

Please note: These transcripts are not individually reviewed and approved for accuracy.

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
BOARD MEETING

LONG BEACH CITY COUNCIL CHAMBERS
333 WEST OCEAN BOULEVARD
LONG BEACH, CALIFORNIA

THURSDAY, JULY 26, 2001

9:42 A.M.

Doris M. Bailey, CSR, RPR, CRR
Certified Shorthand Reporter
License Number 8751

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair

DAN EATON

STEVEN R. JONES

JOSE MEDINA

MICHAEL PAPARIAN

STAFF PRESENT:

MARK LEARY, Interim Executive Director

KARIN FISH, Chief Deputy Director

KATHRYN TOBIAS, Chief Legal Counsel

ELLIOT BLOCK, Legal Counsel

DEBORAH MCKEE, Board Administrative Assistant

YVONNE VILLA, Board Secretary

--oOo--

I N D E X

	PAGE
Item I Call to order	1
Item II Roll Call and Declaration of Quorum	1
Item VI Continued Business Agenda Items	
Item 24 Discussion of & Request for Direction on Board Policies Re: ADC	3
Item 23 Consideration of ADC Tonnages Reported to DRS for Year 2000	64
MOTIONS	84, 96, 127
Item 25 Consideration of Revised SWFP for Occidental Station, Sonoma County	129
MOTION	129
Item 26 Consideration of Revised SWFP for Hot Spa Solid Waste Site - Imperial County	130
MOTION	131
Item 27 Consideration of Revised SWFP for Yuba Sutter Disposal, Inc. - Yuba County	132
MOTION	135
Item 28 Consideration of Revised SWFP for El Sobrante Landfill - Riverside County	136
MOTION	142
Item 32 Discussion of Pending Legislation	143
Audit Report Recommendations Update	146
Adjournment	149
Certificate of Certified Shorthand Reporter	150

--oOo--

1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning,
4 I'd like to call the meeting to order, please. As, I'm
5 going to ask members for ex-parte in just a moment, but
6 we'll be taking up 24 first, then 23, and then we're
7 going to do 31, and then we will go to our regular order.

8 Mr. Eaton, do you have any ex-parte?

9 BOARD MEMBER EATON: Yes, Madam Chair, I am, in
10 arriving here this morning --

11 BOARD CHAIR MOULTON-PATTERSON: Excuse me, I
12 guess we better call the roll. Okay. Sorry about that.
13 Thanks, Ms. Villa.

14 BOARD SECRETARY VILLA: Eaton?

15 BOARD MEMBER EATON: Here.

16 BOARD SECRETARY VILLA: Jones?

17 BOARD MEMBER JONES: Here.

18 BOARD SECRETARY VILLA: Medina?

19 BOARD MEMBER MEDINA: Here.

20 BOARD SECRETARY VILLA: Paparian?

21 BOARD MEMBER PAPARIAN: Here.

22 BOARD SECRETARY VILLA: Roberti?

23 (Not present.)

24 BOARD SECRETARY VILLA: Moulton-Patterson?

25 BOARD CHAIR MOULTON-PATTERSON: Here. We do

1 have a quorum and I'll turn it over to Mr. Eaton for
2 ex-partes.

3 BOARD MEMBER EATON: Madam Chair, I believe each
4 of the members must have received the same letter, so if
5 you want I'll read them off to save your voice this
6 morning.

7 A letter dated July 25th, 2001 from California
8 Organics Recycling Council regarding ADC policy.

9 Another letter from Zanker Z-A-N-K-E-R Road
10 Landfill dated July 25th, 2001, also regarding item 23
11 and 24.

12 A letter from J. Edwards and Associates dated
13 July 26th, 2001, again regarding items 23 and 24.

14 A letter from a New Democrat, James Jeffers from
15 Vermont, regarding the captive insurance issue which is
16 on today's agenda.

17 And I think that's all the ones I have unless
18 someone else has got a few, but that would be, I think
19 all of the Board members must have had those on their
20 chairs.

21 BOARD CHAIR MOULTON-PATTERSON: Yes. Thank you,
22 Mr. Eaton.

23 BOARD MEMBER EATON: And that would be the only
24 ex-partes that I have, and you have, I think.

25 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank

1 you.

2 Mr. Jones.

3 BOARD MEMBER JONES: Thanks, Madam Chair. Paul
4 Relis, Denise Delmatier, John Gullledge, Chuck Tobin, Bob
5 Nelson, just a meet and greet outside talking a little
6 bit, and then John Cupps yesterday.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you. I
8 have the Vice Mayor of Long Beach, Dan Baker, and a
9 number of people that I didn't catch their names last
10 night with the City of Long Beach.

11 Mr. Medina.

12 BOARD MEMBER MEDINA: Meet and greet Chuck
13 White, Shawn Edgar, Chuck Helgut, Denise Delmatier, and
14 John Cupps.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you.

16 Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Thank you. Chuck White
18 regarding captive insurance ADC and El Sobrante, and John
19 Cupps regarding ADC.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
21 you. Okay. As I said, we'll go to item 24 first, and
22 Ms. Nauman is over there and we do have a number of
23 speakers, Ms. Nauman.

24 MS. NAUMAN: Good morning. Thank you. Madam
25 Chair and Board members, Julie Nauman with the Permitting

1 and Enforcement Division.

2 We have for you this morning three related
3 items, as the chair indicated, item 24, 23, and 31 will
4 be taken in that sequence.

5 The first of the items, item 24, is a discussion
6 of and request for direction on Board policies and
7 procedures on alternative daily cover.

8 This item will kind of cover kind of the basic
9 statutory and regulatory authority for the use of ADC,
10 and an overview of that program.

11 And that will then be followed by item 23, it
12 will be presented by Pat Schiavo who will discuss some
13 specific situations that have come to light through the
14 disposal reporting system requirements.

15 And then finally we will go to item 31 which is
16 a status report on the development of the construction
17 and demolition regulations.

18 Scott Walker will be presenting item 24.

19 BOARD CHAIR MOULTON-PATTERSON: Good morning.

20 MR. WALKER: To start off with we'll go through
21 a little bit of background on ADC, but essentially we're
22 going to cover more of an overview, a general discussion
23 in this item of ADC.

24 (Thereupon a slide presentation was shown.)

25 MR. WALKER: Alternative daily cover or ADC is

1 alternative materials of alternative thickness other than
2 at least six inches of compacted earthen material placed
3 over the working face of a solid waste landfill to, each
4 operating day to control vectors, fires, odors, blowing
5 litter, and scavenging without presenting a threat to
6 public health and safety and the environment.

7 Accepted ADC's include commercial products,
8 tarps or geosynthetic blankets, this is the most common
9 ADC used in the state.

10 There's another commercial product which is used
11 much less to a lesser extent, and that's foam products.

12 And then there are waste derived ADC materials,
13 and the most common is green waste or green material, and
14 that's the most common waste derived ADC.

15 Sludge and sludge derived materials, compost,
16 ash, treated auto shredder residue, process construction
17 and demolition wastes, and shredded tires.

18 Many of these ADC's were established through
19 site specific, or all the ADC's in our regulations were
20 established by site specific demonstration projects under
21 earlier Board policies.

22 The use of waste derived ADC, especially green
23 material and other organic materials that could compete
24 with feedstock for composting or, say, biomass, has been
25 subject to significant debate and controversy since the

1 development of Board policies in the early 1990's.

2 In 1996, AB 1647, Bustamante, clarified the
3 legislative intent in Public Resources Code Section
4 41781.3, and I've provided this slide to restate that.

5 And essentially what that established is that
6 the use of waste derived ADC and other waste materials
7 for beneficial reuse at landfills constitutes diversion
8 through recycling.

9 And also, this requirement directed that the
10 Board adopt regulations governing the use of ADC, and
11 also controlling the potential overuse of ADC.

12 Regulations to implement AB 1647 became
13 effective in late 1997 and early 1998, and these
14 regulations established the state minimum standards to
15 protect public health and safety and the environment,
16 placed a general requirement, a performance requirement
17 that no more be used than necessary for waste derived
18 ADC, and also provided thickness limits for individual
19 ADC types where we had established those thicknesses
20 through the site specific demonstration projects.

21 In addition, the disposal reporting regulations
22 under Title 14, California Code of Regulations, were
23 revised to include the types and quantities, require that
24 the types and quantities of ADC used be reported.

25 The Board established guidance on, to LEAs and

1 other parties regarding ADC in Local Enforcement Agency
2 Advisory number 48.

3 We've had several, subsequent to the guidance
4 and the regulations, the Board has had several
5 discussions of ADC in general. And in September of 1999,
6 the Board discussed the status of ADC use. Potential
7 overuse of ADC was investigated as part of that item, but
8 it was not confirmed.

9 There are policies discussed in that item and it
10 included a proposed new operational practice at one
11 landfill, which is called long-term storage of ADC, and
12 I'll give you an update on that later, and also problems
13 with evaluating overuse from the disposal reporting
14 system.

15 Because of other beneficial uses of equivalent
16 materials to ADC were being used at landfills and
17 reported as ADC, which gave the appearance of overuse
18 when it was actually appropriate.

19 In addition, in January of 2001, ADC disposal
20 reporting was identified as an issue during the SB 2202
21 process to address AB 939 goal measurement and disposal
22 reporting issues.

23 Monitoring and control of ADC. And to give you
24 a general rundown of how we monitor and control ADC use,
25 basically primary is through the local enforcement

1 agencies in their enforcement of state minimum standards,
2 inspection enforcement.

3 In addition, permitting and inspection branch
4 staff conduct 18 month inspections, and these include
5 evaluation of adequacy of cover including ADC if that is
6 being used at the facility. And then in addition,
7 Permitting and Enforcement Division staff conduct site
8 specific investigations as they may be brought up through
9 information that we receive on potential problems.

10 The second area where monitoring and control of
11 ADC is accomplished is through the disposal reporting
12 system and the biennial reviews which are another option
13 under which ADC issues and potential problems can be
14 brought up and corrected.

15 The third is the Board of Equalization
16 collection of state disposal fees and audits. And the
17 Board has a contract with BOE for the collection of those
18 fees, and there is the potential for audits to be
19 conducted if the materials are incorrectly reported.

20 Thresholds for overuse. A number of
21 stakeholders have suggested a cap of ten percent of total
22 landfill disposal tonnage as an acceptable maximum ADC
23 limit. And in our regulations they're performance
24 related, and so they don't have a numerical cap.

25 We did have a problem back in the early nineties

1 with the attempt to apply a cap to an individual
2 jurisdiction, and Office of Administrative Law rejected
3 that in a rulemaking that we had done, and that was not
4 allowed. And in our regulations we established a
5 performance requirement.

6 And additionally in the regulations we
7 considered whether or not one could cap ADC amount in a
8 landfill, and we really couldn't because it's really a
9 site specific issue.

10 There's a number of factors. Ten percent green
11 material, in other words, green material is pretty light,
12 and so one of the factors is that if you use other
13 heavier ADC materials, then you're going to get much more
14 than a ten percent equivalent.

15 Also, certain sites where we gauge use of cover
16 is primarily through waste to a soil equivalent cover
17 ratio, and there's some standard approaches on that. But
18 it's dependent upon the individual operation.

19 For instance, a really small landfill is going
20 to use a lot more cover to waste just by virtues of the
21 economies of scale. And so if you take a landfill that,
22 say, has a waste to soil cover ratio volume of three to
23 one and it's, that's 25 percent. If the ADC material is
24 equivalent in density to the solid waste, then that's 25
25 percent of disposal tonnage.

1 But, since not only the operation changes but
2 also the degree of compaction of the waste changes, and
3 also the type of ADC. You can get much different numbers
4 based on site specific factors.

5 Ten percent can be used as sort of a general
6 idea, but clearly if one would look at numbers, you have
7 to look, take into consideration site specific factors.

8 There's a couple other aspects that tend to
9 complicate use of a numerical threshold. And that is,
10 what we found is that under certain short-term storage,
11 relatively short-term storage of ADC, it may extend over
12 more than one quarterly reporting period. So under one
13 quarter it may look like a large percentage, but it's
14 actually over more than one quarter.

15 The other aspect which comes up is that landfill
16 operators are continuing to report other beneficial uses
17 of waste materials as ADC, so this tends to exaggerate
18 the percentage of waste that's imported as ADC.

19 Another factor too is that like with green
20 material, you will get different conversion factors
21 depending upon the type of green material you obtain.
22 And in some cases with curbside collection programs you
23 got a lot of grass, and that tends to be a lot more
24 heavier, and so that also plays into a site specific
25 factor that prevents the use of a standard ten percent

1 threshold.

2 I think another thing to point out is also an
3 individual jurisdiction may have as much as a third to 50
4 percent of their waste stream as green material feedstock
5 basically. And an individual jurisdiction, while an
6 individual jurisdiction may send a very high percentage
7 for use as ADC, as long as the overall amount from all of
8 the jurisdictions that go to the landfill are reasonable,
9 then that individual jurisdiction is not, is not causing
10 a problem with the landfill with regard to overuse.

11 I just wanted to talk a little bit about
12 beneficial uses of waste materials at landfills other
13 than ADC. And we did provide guidance in LEA Advisory
14 number 50 on this topic. And landfill operation and
15 construction, really it requires a significant amount of
16 materials, construction materials that would otherwise
17 have to be mined or manufactured and transported to the
18 site. So it's very beneficial to look at the use of
19 waste materials for the actual construction, civil
20 engineering applications at landfills.

21 In addition, what we've found is one major
22 market for organics with regard to their application at a
23 landfill is with soil amendments, we found with sludge,
24 mulch and composting. These can significantly reduce
25 erosion, landfills are a large area of disturbed soil

1 that causes or has the potential to cause significant
2 erosion. It also has properties that are beneficial with
3 regard to landfill gas emissions through the cap that
4 we're finding, it actually oxidizes these constituents.
5 And so this is a very, very useful application of a
6 non-ADC beneficial use of organics.

7 The other large area where you see this is in
8 construction and demolition debris, in particular the
9 clean rock and aggregate portion of it for wet weather
10 decks and roads. This is a large use of it where they
11 would otherwise have to bring in rock and buy it, and
12 then you'd have transportation and it's high cost, and so
13 this is an option that's been beneficial.

14 Another is the shredded tires which we've used
15 in a number of applications for leachate and gas
16 collection media, and also landfill operations layer.
17 And it's another civil engineering application that is
18 beneficial.

19 Just a brief summary of disposal reporting
20 system. Essentially the reporting results, the
21 preliminary reporting results that are currently under
22 review, and in the next item this will be discussed in
23 more detail, showed a tremendous jump in green material
24 ADC being reported in 2000 from 1999 about 1.4 million
25 tons to 4.3 million tons in the year 2000.

1 And these, this reporting is being evaluated.

2 And again we'll get into specifics in consideration in
3 the next item, but we believe that there's a substantial
4 problem with errors in reporting, and we think that
5 possibly on the order of at least 2.5 million tons may be
6 misreported as green material ADC.

7 One of the problems is with the L.A. County's
8 reporting has caused the checking of the box of green
9 material for a lot of other things that are not green
10 material ADC that we're finding out.

11 Also, there's a lot of, we've already confirmed
12 at some landfills that there's been a lot of beneficial
13 use other than ADC that's been reported as ADC.

14 So, and in addition, at the two inert facilities
15 that you will consider in the next item, they reported
16 about almost 700,000 tons originally as green material
17 ADC, and it was clearly incorrect because they cannot
18 accept green material ADC, so that illustrates the
19 problem with those numbers and why we anticipate this
20 significantly will reduce.

21 A brief report on the status of minimum
22 standards. There, in looking through our reporting of
23 the SWIS system, in the year 2000 we've had six landfills
24 cited for ADC. Generally pretty good compliance record.
25 And, but however, in this, in our investigations into

1 disposal reporting, we've actually gone out in the field
2 to follow up where there has been a relatively high
3 percentage of green material reported.

4 And there's one case where we actually did some
5 potholing, staff did some potholing, and actually dug
6 pits and came up with significant thicknesses above the
7 one foot requirement at one facility. And so the
8 conclusion was that they were in violation of that
9 thickness limit for that facility. And staff are
10 currently working with the LEA on appropriate followup
11 enforcement.

12 Two inert sites, again, reported, they are
13 reporting, now reporting a significant component of
14 beneficial use. And again that would be considered in
15 the next item.

16 And then there's a number, there's another six,
17 at least six cases that are, appear to be major reporting
18 errors, and there are a couple of others that are being
19 looked at for possible overuse, and it may entail some
20 additional field investigations.

21 The final state minimum standard issue that's
22 come up very recently is with regard to the use of
23 processed construction and demolition debris as ADC. And
24 this is not really an overuse issue per se, it's
25 primarily a public health and safety issue that we wanted

1 to bring up to the Board and seek some guidance.

2 Construction and demolition waste. The standard
3 that we have in the regulations under Title 27 basically
4 requires that construction and demolition wastes shall be
5 restricted to crushed, ground, or screened materials
6 alone or mixed with soil to provide a compacted material
7 free of open voids.

8 You know, and in addition to being a material
9 under the general standards that is, does not pose a
10 threat to public health and safety, so the general
11 standards apply too.

12 And in addition, construction and demolition
13 waste shall be restricted to a minimum thickness of six
14 inch and an average compacted thickness of less than
15 eighteen inches.

16 This gives you an example of what we found. One
17 of the principal problems is that the standard says
18 processed, and so this means that the material must be
19 prepared mechanically, screened, or otherwise prepared
20 before it gets to the working face and spread and
21 compact.

22 We've seen several operations that had
23 attempted, that were attempting to essentially call
24 processing the act of spreading and compacting this
25 material.

1 This shows the kind of gross size of material at
2 one facility that is problematical in our view with
3 regard to just using a, standard spreading and compacting
4 equipment. In addition I'd probably argue that this site
5 is an issue with storage of ADC because it would appear
6 that the storage stockpile is way too high and large with
7 regard to control of fire.

8 This illustrates the other aspect of the C and D
9 issue is that what we found is that there's been drop
10 boxes or whatever at a construction site, and it's not
11 clean construction demolition debris that's come in,
12 especially lately. And this is again in the Bay Area,
13 lots of trash, mattresses, plastic, paper, household
14 garbage, you know, essentially lots of construction wood,
15 but it's all mixed up, lots of garbage, solid waste. And
16 that is, that has been brought into the site with the
17 idea that they would use it as C and D ADC, and clearly
18 this material is inadequate and would be in violation of
19 the standard in our interpretation.

20 And again, this shows that same type of
21 material, it's spread, and you see the amount of garbage
22 in there, and it clearly is insufficient, it's clearly
23 waste and should be considered as such.

24 BOARD MEMBER PAPARIAN: Scott, I'm sorry.

25 MR. WALKER: Yes.

1 BOARD MEMBER PAPARIAN: So someone was asserting
2 that that is ADC, what we're looking at right there?

3 MR. WALKER: Well, they were, they were
4 contending that this material would be ADC, correct.
5 However, inspectors in the field met with them to discuss
6 it. They, in the two cases that we had they did
7 eventually concur and stop that.

8 And again, this is, this is, we feel that in an
9 interim this has been, this has stopped, this is not
10 occurring to our knowledge right now. But in terms of an
11 issue, a longer term issue, we think it's important to
12 bring this up to our LEAs to try to prevent it from
13 reoccurring. It's something that's, that's really a
14 concern with regard to the --

15 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

16 BOARD MEMBER JONES: This was not the norm
17 though?

18 MR. WALKER: Absolutely not. This was an
19 unusual situation, and again this is not a situation
20 that's occurred repeatedly at this facility. It's
21 basically a recent situation where we were asked to come
22 out and where the material, the LEA was reporting to us
23 the material clearly changed in character and that we
24 needed to come out and deal with it.

25 BOARD MEMBER MEDINA: I'm not surprised at the

1 mix. I know that in San Francisco when there's a
2 remodeling project going on or there's some construction
3 or demolition, that the neighborhood uses the opportunity
4 to clean out their garages and other things that they
5 have, and it goes into the debris box, so usually by the
6 next day the debris box is almost full. So I'm not
7 surprised you have that kind of mix.

8 MR. WALKER: And it brings up the issue of
9 really poor quality control in the material coming in.
10 And, you know, it's a separate issue, the other problem
11 being the processing issue. And it sort of ties in
12 together a little bit to some extent.

13 I want to just, without just giving you the
14 negative on bad C and D ADC, I wanted you to see good C
15 and D ADC. And this is an example from Puente Hills
16 Landfill.

17 And what this is, this is processed with special
18 grinding equipment at, away from the working face whereby
19 the material that comes in is very well controlled and
20 it's primarily land clearing debris, wood, brick, soil,
21 and it's very well controlled, very high quality, and
22 it's ground up, provides a really good soil-like
23 material. And a scraper will go over the stockpiles,
24 they'll push it with a dozer or a loader, and then a
25 scraper will pick that up.

1 And then this is what it looks like. And this
2 is really the way it's supposed to work. And that is
3 compliance. And again we believe that really what needs
4 to be done is some type of mechanical size reduction of
5 this material, and that the dozer equipment alone, while
6 some material may come in and get screened, it might not
7 need to be crushed, that the majority of the material
8 will likely need to be ground or more specifically
9 screened.

10 And here's another issue that, this is common
11 to -- well not common, fortunately. But this illustrates
12 the problem of litter, regardless of, it happens with
13 ADC, it happens with soil, but this is a case of a litter
14 problem with compost overs being used as ADC.

15 And in this case it was clear that the operator,
16 when they were trommeling, they did not sufficiently
17 screen out the trash. You will find some solid waste in
18 these materials, and the key is to do what it takes,
19 what, what you can do to get it out. If you can't, you
20 can't use it.

21 In this case they clearly weren't using, they
22 weren't processing it sufficiently to get enough of the
23 track out and so you have a litter problem. And you
24 notice that there's quite a bit of litter and it's
25 blowing off the working face, and so that would be

1 considered a violation.

2 And that's always an issue that the LEA has to
3 be cognizant of and be on the operators to prevent this
4 from occurring.

5 The, to summarize key issues and findings;
6 investigation by staff have uncovered significant
7 inaccurate reporting and potential overuse, well, to a
8 lesser extent potential overuse of ADC, and these
9 investigations are ongoing.

10 The continued reporting of other beneficial uses
11 as ADC and the wrong type of ADC being reported can
12 result in the appearance of overuse when the actual use
13 is reasonable.

14 The thresholds for overuse other than the
15 thickness are site specific.

16 We've confirmed one case of violation of
17 thickness limits of green waste, and we're currently
18 working with the LEA on that. And in addition, we
19 brought up the other, another major compliance issue with
20 the construction and demolition debris ADC that we're
21 working on to make sure that it doesn't get out of hand
22 and be a larger problem than it has to this extent.

23 One thing I'd like to also bring up, we did
24 bring up in September of '99 this concept of long-term
25 storage of ADC where really large quantities of material

1 will be taken in as diversion, and then essentially
2 Monofilled for mining out in the future years.

3 And the Board had some concerns of that, some
4 substantial concerns at the time. And the project that
5 had been looking at that has abandoned it and has decided
6 not to go forward on that. So that, that right now we
7 are not aware of any other attempts to try to, to try to
8 work or develop that operational practice.

9 And so in conclusion, in the discussion we've
10 suggested guidance that we go back into the LEA Advisory
11 48 and, you know, revise it, update it and to, you know,
12 bring up some of the issues we've found in our recent
13 investigation to try to prevent them from occurring
14 again.

15 We also believe that, you know, depending upon
16 the Board's direction, that the C and D ADC issue we will
17 likely, although we would include it in the advisory, we
18 would like to, we would likely bring it up in terms of an
19 all LEA letter initially just to make sure that they're,
20 the LEAs are informed and they are keeping an eye out on
21 it.

22 And that concludes staff's presentation and
23 staff is available to answer questions.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you.
25 Questions?

1 Mr. Paparian.

2 BOARD MEMBER PAPARIAN: Yeah, thank you. Scott,
3 you mentioned the 1997 regulations that were developed.
4 And as I look at, as I look back at the statute, the
5 Bustamante bill I think that that was based on, it said
6 that in the development of those regulations there has to
7 be consideration of the conditions necessary to provide
8 for the continued economic development, economic
9 viability, and employment opportunities provided by the
10 composting industry in the state.

11 Now since 1997 the, there have been changes in
12 the composting industry, developments where a lot more is
13 happening, there's a lot more economic viability in the
14 composting industry, a lot more need for materials to get
15 into the composting stream and so forth.

16 Would it make sense to take a look at the
17 regulations again in light of changes in the composting
18 industry to see whether this provision of the law is
19 being adequately considered in today's climate?

20 MR. WALKER: I think to answer your question, in
21 the, in the, when the regs were adopted there was that
22 consideration. And part of that included the thickness
23 limits, the standards, the standards to prevent overuse.

24 But also as part of those regulations we had
25 predicted or projected a maximum green material ADC use

1 of two million tons statewide. And we compared that with
2 the overall potential feedstock which was estimated at
3 that time between eleven and fourteen million tons, and
4 determined that that wouldn't be a sufficient impact to
5 the composting industry other than, say, you know, local
6 issues may come up with regard to competition in
7 individual cases. But overall it was not a significant
8 factor and that it was being mitigated through the
9 regulations.

10 You know, at this point we've, we obviously need
11 to get at the accurate reporting of how much is being
12 used. And again, 4.3 million tons as compared to two
13 would indicate that, well maybe we, you know, didn't,
14 there's something we didn't deal with.

15 But again, until those numbers are corrected, we
16 won't know whether that will occur or not, whether it
17 will be. We think it will probably be significantly less
18 than two million tons currently.

19 The other issue is that the first survey, really
20 good survey of composting and mulch the Board, there was
21 a report in June of 2001 under contract that the Board
22 provided, and there was, that was kind of like a really
23 first baseline of the status of composting and mulch
24 markets.

25 And so for us to look at it, we first probably

1 have to, you know, look at that and then come back maybe
2 in another year or even look at specific analysis of the
3 effect of ADC on the compost and mulch markets. Because
4 that report, based on what I read, it didn't really
5 indicate that there was, that ADC was the cause of a
6 particular problem. But again, if that should be
7 otherwise in the future, then maybe that might be an area
8 to go back into the regulations and take a look at.

9 BOARD MEMBER PAPARIAN: Because I've heard
10 anecdotally from people in the composting industry that
11 the use of ADC, the use of green waste as ADC is
12 problematic for them, that they would, they would and
13 could use the feedstock.

14 MR. WALKER: It's all, also basically in
15 competition with the landfill, it increases the
16 competition and, you know, like for instance Puente Hills
17 Landfill I think charges \$18 a ton for disposal but they
18 discount to \$11 a ton for clean green material loads
19 brought to the site. So there is a competitive pressure.

20 But again, the quantity of potential feedstock
21 out there is so great that overall on a statewide basis
22 that it wasn't believed that it was a significant effect
23 on the potential amount of feedstock that could be
24 available.

25 BOARD MEMBER PAPARIAN: Okay. Then my only

1 other question at this point is, is you mentioned perhaps
2 doing an LEA advisory relating to C and D?

3 MR. WALKER: It would, it would, the idea would
4 be that it would cover all ADC issues and update the
5 advisory for the current status, whether it's overuse,
6 reporting problem, and also ADC. So we would address all
7 those issues as directed by the Board.

8 BOARD MEMBER PAPARIAN: Right. I'm wondering in
9 that case whether we might want to consider regulations,
10 but maybe we can hold off on that discussion for a little
11 bit later.

12 BOARD CHAIR MOULTON-PATTERSON: Okay. Any other
13 questions before I go to the public comments?

14 BOARD MEMBER JONES: Just one real quick one.

15 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

16 BOARD MEMBER JONES: Two things, I think. While
17 I have a lot of friends in the composting industry and
18 I've heard, Mr. Eaton and I were at the Biocycle holding
19 a workshop or roundtable, there were probably seventy
20 composters in the room. And when the ADC issue came up
21 probably half of 'em thought we should ban ADC; the other
22 half, which were composters, insisted that we kept it
23 because they needed it to make sure that the, there was
24 stuff that was, that they didn't want that they needed a
25 place to have it.

1 So while I think that there is issues on both
2 sides, it struck me as being pretty funny that in this
3 Biocycle in San Francisco the argument was pretty heavy
4 duty with actual operators, that half didn't want it and
5 half did want ADC. So I think there's information on
6 both sides.

7 On that litter violation at the, with the ADC,
8 there was a violation written on that by the LEA, right?

9 MR. WALKER: I recall there was a violation on
10 that issue by the LEA, but I'd have to check with Mark de
11 Bie on that little detail. But it's my understanding
12 that that was cited as a violation.

13 BOARD MEMBER EATON: That was.

14 BOARD MEMBER JONES: That was my understanding
15 because I went to that site, I was very concerned and
16 actually spent, made three trips there. The first one
17 was a disaster and we had a discussion. The second one
18 was better, better. And the third one was better yet.
19 And I had that, they afforded me that opportunity because
20 we have a relationship.

21 But there was, as I understood it, there was a
22 violation written on that, so that made me glad because
23 the system is working.

24 But I think it's clear in the, in ADC regs that,
25 number one, that material has got to be processed,

1 screened, or shredded, those were all past tense.

2 Mr. Relis is joining us today up in the
3 audience, and he was a member of the Board for a long
4 time and sat on the P and E Committee with Mr. Frazee and
5 myself that worked through those regulations for a year
6 or so.

7 And it was critical that we put those in the
8 past tense because it made it very clear that there had
9 to be a process that was done prior to application. And
10 I'm still convinced that that has to be adhered to,
11 because without that we're putting material in place that
12 doesn't belong there or needs to be recategorized as a
13 solid waste lift instead of ADC. Because there is value
14 in ADC, especially when you had to go out and buy a
15 mountain so that you could cover garbage. So there is
16 value and we've got to make sure we understand that.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
18 Jones.

19 Okay. We're going to go to the public comments
20 now, and thank you, Mr. Walker. Matt Cotton.

21 We have a number of public comments, so if you
22 could keep your remarks concise, we'd appreciate it.

23 MR. COTTON: Greetings, Madam Chair, members of
24 the Board. I'm honored to go first on this very exciting
25 topic. I'll try to be concise, but a lot of opinions

1 brings up a lot of history as Mr. Jones mentioned, and I
2 would hope Steve would be able to attend Biocycle 2002,
3 that was three years ago in San Francisco that we talked
4 about ADC, I think you'll find that things have changed
5 rather significantly.

6 I've handed out before the meeting a letter from
7 the California Organics Recycling Council who I'll be
8 representing this morning. It's got a number of points,
9 and attached to that are three letters from composters,
10 including Dave Hardy who is familiar to the Board who
11 says that ADC use has a devastating and negative impact
12 on composting in Southern California.

13 I think that's true. I think in Scott's
14 presentation he was very careful to talk about potential
15 use and statewide, but let's talk about specific market
16 zones.

17 ADC is having a huge and negative impact on
18 composting operations. CORC would be happy to help you
19 document that.

20 Our basic points are support options one and
21 three, let's keep this option alive. Let's convene a
22 work group. I think Scott's got an excellent point about
23 reauthorizing, revising LEA Advisory 48, and CORC would
24 be happy to participate in that process.

25 We'd also very much encourage the Board to put

1 together a work group to really hash through some of
2 these issues because things have changed.

3 If that number, if Scott's number is even close
4 to correct of four million tons of green waste ADC, then
5 we're using, for landfill cover, more material than we
6 collect at curbside. Green waste is the largest item
7 that we collect at curbside, it's more than all the
8 bottles and cans put together. If we're using four
9 million tons of that as landfill cover, we're putting it
10 all back in the landfill. I think that's pretty shocking
11 statistics if it's correct.

12 I'm not saying the numbers are correct, that's
13 right out of the Board package, right out of Scott's
14 presentation.

15 Interestingly, the survey that Scott referenced
16 I happened be to be the contractor on that report, it
17 came up with six million tons of organics being diverted
18 currently in California; not generated, but actually
19 processed.

20 So again, if that four million tons is correct,
21 that's a devastating impact on the organics diversion if,
22 that's two-thirds of that going to landfill. So let's be
23 clear about where we are and what the numbers are.

24 Briefly, Mr. Jones mentioned Paul Relis and the
25 great work he did on encouraging organics diversion.

1 Since his time the state has spent millions of dollars on
2 compost market development, all that money is going to go
3 to waste if the composters can't get feedstock.

4 The benefits of compost that we're realizing,
5 we've got a workshop coming up in Napa in a couple of
6 weeks that's going to talk about the benefits of using
7 green waste in the vineyards where it can provide erosion
8 control, legitimate benefits. If we can't make compost
9 we can't realize those benefits.

10 Finally CORC is very concerned about the
11 viability of hundreds of collection programs implemented
12 statewide. They were designed to take green waste to
13 compost. AB 939 was designed to divert waste from
14 landfills -- I know you guys have heard all this before.
15 But the residents of California expect that the green
16 waste that they put at the curb and pay for to be
17 collected is going to compost, not to landfill cover.

18 Again, please help Scott revise and reissue
19 Advisory 48. Let's convene a work group to fulfill the
20 intent of AB 1647, I believe it's 4171.4 that requires us
21 to really look at the impact on the composting industry,
22 and CORC would be very enthusiastic to help the Board
23 look at those impacts and this issue.

24 Thank you very much.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.

1 Cotton.

2 John Davis, who will be followed by Joan
3 Edwards.

4 MR. DAVIS: Madam Chair and Board members, I
5 hope if you do, and you should review this policy, and as
6 you do it you consider the impacts on market development,
7 highest best use.

8 As Scott mentioned, the earlier look at the
9 compost industry, I'm not sure that beneficial use was a
10 part or considered to be that extensive a part. Those
11 numbers, whether they're beneficial use or ADC, are still
12 substantial, and it's going to become even more important
13 as we try to grapple with food waste. You need that
14 bulking agents in those compost facilities.

15 We worked in the Mojave Desert Mountain
16 Authority for ten years to finally get a food waste
17 facility sited there, and that facility relies on bulking
18 agents that need to be brought in from outside our area.
19 That facility has to compete with ADC.

20 I think statewide it's going to be an
21 increasingly large issue and you should look at the
22 future of the industry as well as where they are right
23 now. But I think we can support Matt's suggestion that
24 you convene a working group, on behalf of the zone
25 administrators I think that we'd like to be part of that

1 effort as well.

2 Thank you.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
4 Davis.

5 Joan Edwards to be followed by Susan Collins.

6 MS. EDWARDS: Thank you. I originally had
7 thought that the items would be reversed and a number of
8 my comments have to do with the type of analysis that was
9 done in 23 to come to the conclusions that staff has come
10 to for item 24.

11 First I would like to put my comments in
12 perspective. I strongly, I do strongly disagree with
13 staff's view that likely the majority of the issues have
14 to do with misreporting of data. I do believe that there
15 is major ADC overuse in this state, and I believe it's
16 increasing rapidly as new items such as C and D are being
17 used such as ADC as well.

18 But I'm not opposed to ADC in and of itself. I
19 think it's appropriate especially, more than appropriate
20 especially when there is soil deficiency for cover
21 material. And I also believe, and perhaps this is what
22 some of those composters were thinking about in San
23 Francisco, I also believe that ADC is a wonderful
24 recycling market of last resort.

25 But I think we've gone way beyond that in our

1 ADC practices. If you were to take anything away from my
2 comments on this issue this morning, I would hope it
3 would be that you have not received sufficient
4 information nor has sufficient data analysis been done to
5 allow you to reach conclusions on ADC policy this
6 morning.

7 And I'd like to spend some time giving you some
8 examples. The staff very kindly gave me some of the,
9 gave me some of the 2000 data, and I also had the data
10 previously from '95 to '99, and ran the data a slightly
11 different way.

12 And I have also given you written material, and
13 there are three charts at the back, and this is just,
14 this is fairly subjective, it's what I could do in a
15 short amount of time with somebody else's help. But
16 basically I gave you a long list of facilities that since
17 '95 have had ADC use in excess of 17 percent. Now keep
18 in mind, ADC is cover plus dirt which is counted
19 differently than ADC on reports, plus excavated material
20 which never shows up. A fairly long list.

21 The next chart shows facilities that have had an
22 upward trend. So maybe it's a very minor percentage,
23 maybe it's only seven percent, but they started at two
24 percent, went to three, four, five, six. Or they started
25 at three and went to twelve. Or they did nothing until

1 '99 and then went to three and then seven in the year
2 2000.

3 There's also considerably erratic tonnage.
4 Forward Landfill, that's French Camp, I'm forgetting the
5 name, has had consistently percentages of 86 percent, 98
6 percent, 64 percent, zero in the year 2000. That
7 confuses me.

8 Now there may be perfectly good explanations for
9 all of this, but it makes me think, gee, how come we
10 picked the landfills we picked for item 23?

11 I also gave you a list of items that were over
12 17 percent in the year 2000 but were unaddressed by item
13 23.

14 I'm also concerned about the fact that many
15 landfills show consistent, steady trend, steady disposal
16 over the last four or five years in disposal. Hasn't
17 changed much. But ADC use has increased 400, 500, 600
18 percent and more.

19 That tells me something odd is going on. It may
20 be explainable. It may be something that we shouldn't
21 worry about. But I would like to know, and I think those
22 are the kinds of things we want staff to look at.

23 I'm also concerned that we're looking at all of
24 these issues in isolation. If there is missed reporting,
25 and if there is more material being used as erosion

1 control and other uses, why don't we learn about it in
2 the big picture? The Board of Equalization data comes to
3 you, but all that goes on the website is the disposal
4 data. That's a wonderful source of information for
5 what's the total end and then how is it broken out.

6 We might find that material is moving from ADC
7 to other uses as the ADC quantity becomes a little more
8 noticeable and to the attention of compost facility
9 operators, C and D facility operators, and staff. So I
10 think that we should be looking big picture, looking at
11 big trends, and not just looking at a couple of issues in
12 isolation.

13 I want to talk very, just very briefly bring up
14 three other small issues and then provide my primary
15 recommendations.

16 I believe that C and D is a major issue. I
17 think it is today where green waste was four and five
18 years ago. And it is increasing every day. C and D is a
19 major issue for this Board and for many localities as
20 they try to get to their 50 percent.

21 There's a clear correlation between the use of C
22 and D, ADC, and the imposition of a C and D ordinance.
23 There's a clear correlation between the use of C and D,
24 ADC and facilities that have started up to process mixed
25 debris into recyclable components.

1 That kind of analysis I think should be done,
2 and I personally have seen many, many facilities, the
3 picture that was up there. Not with the bags of raw
4 garbage, but it is standard practice at many landfills to
5 take the demolition debris, run over it a little bit with
6 with the excavator, pull out a couple of big pieces of
7 metal or wood, and lay it on the ground. And I'd be
8 happy to work with staff to show them facilities where
9 this is happening. There's no further grinding or
10 screening going on.

11 The, I think I'll go right to my recommendations
12 since I am exceeding my time limit. And basically say
13 I've given you seven recommendations in my written
14 material, but there are three primary ones.

15 The first is, regardless of whether you
16 instinctively agree with what I'm implying or not, I hope
17 that you will recommend that staff use option number
18 three which is go back and do some more analysis and try
19 and answer some of these questions or look for problems
20 and see if they are problems.

21 I would like the analysis to include also the
22 big picture, what's going into the landfills, and how's
23 it split between disposal and other uses.

24 I think that staff should develop a standard
25 reporting form for the counties for ADC and other

1 materials. And I think it should be done in a way that
2 you could compare it with the Board of Equalization data
3 in the end. It's more detailed, but you add up all the
4 numbers and you could compare. And that would be a good
5 cross check.

6 And I do believe staff should update LEA
7 Advisory number 24, but I also believe it should be done,
8 as other speakers have said, in conjunction with some
9 recommendations from people from the audience and out
10 there who are involved in this issue. And I would rather
11 that, I don't think it would be a good idea to do it in
12 isolation, send it out and then have people come to the
13 next meeting and say why didn't you do this or that.

14 And I'd very much, I'd like to say in closing
15 that, and I probably should have said it first, that I do
16 recognize that staff did a lot of work in preparing these
17 two items, and I think that it is, it's really
18 significant that this came from the Board and not from
19 the outside as an issue, and I appreciate it very much,
20 and would be happy to help in any way in providing data
21 in the future.

22 Thank you.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.
24 Edwards.

25 Susan Collins followed by Mary Andrews.

1 MS. COLLINS: Good morning. I'm Susan Collins
2 of Hilton, Farnkopf and Hobson, but today I'm here
3 representing the Board of Directors of the California
4 Resource Recovery Association. And we are very pleased
5 that the Board is looking at this issue.

6 I'll be very brief. We gave you a handout
7 today, it's not on letterhead, but the title of it is,
8 "Yard Waste Used as Alternative Daily Cover."

9 The CRRRA Board of Directors is very concerned
10 about the recent dramatic increases in ADC use to obtain
11 credit for waste diversion, and is also concerned about
12 apparent overuse as documented in agenda item number 23.

13 The CRRRA Board of Directors has adopted the
14 following resolution:

15 The CRRRA urges the CIWMB and the state
16 legislature, if necessary, to limit the amount of ADC
17 used in a landfill that can be called cover.

18 CRRRA also requests that regulations be adopted
19 that set a maximum amount which could be used of ADC when
20 used in combination, multiple types of ADC being applied
21 at the same time, to cover the same landfilled waste.

22 CRRRA lastly requests that the CIWMB establish
23 specifications regarding the type and size of ADC used.

24 That completes my comments. Do you have any
25 questions?

1 BOARD CHAIR MOULTON-PATTERSON: I don't see any
2 right now. Thank you, Ms. Collins.

3 Mary Andrews, followed by Chuck White.

4 MS. ANDREWS: Good morning, I'm Mary Andrews,
5 I'm Manager of Industry Relations for the Orange County
6 Waste Management Department.

7 I work regularly with the haulers that bring
8 processed green material to our landfills. We have a
9 very active system.

10 We recently, at the hauler's request, instituted
11 a revised program that will give preference to those
12 portions of the incoming stream that come from curbside
13 collection programs.

14 We in Orange County feel we need to strongly
15 support those cities that have these programs, and feel a
16 need to provide an outlet for this material.

17 Unfortunately, a lot of it is not as clean as it
18 could be. Some of it is unsuitable to be sent to certain
19 types of processors; therefore, a lot of this that is our
20 high priority material cannot be diverted to some
21 alternative uses. We have been asked to provide an
22 outlet for it, and we have given it high priority.

23 I've been hearing a lot of talk about a lot of
24 higher uses of this material. Well, the reality I have
25 found, and I speak regularly to these haulers, is that

1 there is no such outlet, especially on a steady daily
2 basis that they need.

3 Perhaps some of this information is coming from
4 Northern California. A lot of times when I've heard this
5 addressed I've not heard that it's specific to any
6 portion of the state; what I do know is I regularly get
7 calls from people saying, "I have no place to take my
8 residue, please help me out."

9 A lot of places that they might find are
10 temporary. We have been providing that in Orange County
11 through our ADC program. We also have been putting it to
12 beneficial use. In item number 23 one of our landfills
13 will be one of those mentioned.

14 I wanted to also let the Board know that the
15 idea of separating out green material that's used for ADC
16 from green material that's used for, from some other
17 beneficial use is relatively easy. What's difficult is
18 incorporating it into the reporting process, whereby we
19 need to account for all of that material by the
20 jurisdiction of origin.

21 Everything else that we get into the landfill is
22 monitored at the fee booths. The difference in how the
23 green material is applied between ADC or beneficial use,
24 that decision is made after the transfer trucks leave the
25 fee booths and the operations people direct the material.

1 The same green material comes from the same haulers in
2 these mixed loads in transfer trucks.

3 To properly allocate how much came from each
4 jurisdiction for each application is a very cumbersome
5 process. It can be done, it adds a lot of expense and
6 effort. I ask you to consider this.

7 Thank you.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you.

9 Chuck White.

10 BOARD MEMBER JONES: Madam Chair, may I ask a
11 question, ma'am?

12 MS. ANDREWS: Oh, I'm sorry.

13 BOARD MEMBER JONES: Three of the major Orange
14 County haulers were diverting green waste to a processor
15 other than the landfill that they not only paid to send
16 it there, they later had to pay to clean it up, correct?

17 MS. ANDREWS: Absolutely, I've heard about that.

18 BOARD MEMBER JONES: And that's when your ADC
19 use at those, at the Orange County landfills went up?
20 Because as I understand it, it cost those hauling
21 companies millions and millions of dollars to first pay
22 to haul it to a processor, where it was going to be
23 turned into a product, and then had to pay, I think in
24 excess of a couple of million dollars to haul it out.

25 And I think we need to understand, I think it's

1 important that Orange County is here in front of us
2 because I think at that time you provided outlets instead
3 of using dirt, using this material as ADC or increased
4 it.

5 MS. ANDREWS: Well, and in addition, at our
6 Olinda Alpha Landfill it is dirt poor. If we had to
7 import the dirt we would be spending millions over the
8 remaining life of that landfill if we had to use dirt.

9 BOARD MEMBER JONES: Thank you.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you.

11 Chuck White.

12 MR. WHITE: Thank you, Madam Chair, members of
13 the Board. Chuck White representing Waste Management.

14 We certainly support the staff recommendation
15 item number one to revise and improve LEA Advisory number
16 48 and disseminate information out to all stakeholders,
17 LEAs, operators.

18 I think when we get to discussion of item 23
19 you'll see that a large chunk of the problem, I'm not
20 suggesting that it's the only problem, but a large chunk
21 of the problem is just simply confusion over the
22 reporting system.

23 And as Mary Andrews just indicated, it is really
24 an accounting nightmare to keep track of all this stuff
25 by jurisdiction, the material that goes to ADC versus

1 other beneficial uses. And we just need to work together
2 to try to get through this.

3 And I think that really the first step is to get
4 good information about the actual percentages that are
5 being used, and I don't think that the information that's
6 been submitted or prepared so far has been accurate.
7 Part of that is our fault. We have made some mistakes in
8 our reporting, and we'd like to be able to correct those
9 and be able to get back on a solid basis of how this
10 material is accounted for.

11 So we would certainly like to work with the
12 Board on developing guidance and a more accurate
13 reporting system for this ADC.

14 Thank you.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
16 White.

17 We will be taking a short break now. We have
18 nine speakers more on this item, and many more on 23.
19 When we return, Mr. Jones will be taking over for me.

20 Thank you.

21 (Thereupon there was a brief recess.)

22 BOARD MEMBER JONES: If we can take our seats,
23 we're going to resume. We have, we're going to, we've
24 got some people that have flights that have to get out of
25 here, so we are going to try to work through lunch and

1 get out of here by 1:00 or 1:30 with a little help.

2 We've got some speakers left on 24. I also have
3 four speakers that have marked down that they want to
4 speak to 23 and 24.

5 And Michael Gross, did you want to speak to both
6 issues or just one?

7 MR. GROSS: I'll just do one.

8 BOARD MEMBER JONES: Do one. Denise Delmatier?

9 MS. DELMATIER: Just 24.

10 BOARD MEMBER JONES: 24. John Gullledge?

11 MR. GULLEDGE: Just 24.

12 BOARD MEMBER JONES: 24. Chuck Helgut, 24 or
13 23?

14 MR. HELGUT: I have comments that relate to both
15 so I'll just combine them in one.

16 BOARD MEMBER JONES: All right. Michael, you
17 okay with that? All right. We'll get to these, we'll do
18 these as part of 24. All right.

19 Members, I'll start with Mr. Eaton, any
20 ex-parte?

21 BOARD MEMBER EATON: Just meet and greet with
22 Denise Delmatier.

23 BOARD MEMBER JONES: Thank you, Mr. Eaton.
24 Mr. Medina?

25 BOARD MEMBER MEDINA: None to report.

1 BOARD MEMBER JONES: Mr. Paparian?

2 BOARD MEMBER PAPARIAN: None.

3 BOARD MEMBER JONES: And I had Denise Delmatier
4 and Ephren Herrera.

5 All right. We will now have Mr. Mike Mohajer,
6 L.A. County Public Works, and he will be followed by Mike
7 Schmaeling.

8 MR. MOHAJER: Good morning, Mr. Jones and
9 members of the Board. My name is Mike Mohajer, I
10 represent the Los Angeles County Department of Public
11 Works.

12 Basically I just want to mention that I am in
13 support of the letter that was provided to this Board by
14 the industry group dated July 24th, and specifically on
15 behalf of the county we are in support of the staff
16 recommendation number one.

17 Thank you.

18 BOARD MEMBER JONES: Thank you. Mr. Mohajer,
19 just one quick question. On the reporting it shows ADC
20 and other, you and I had this discussion a couple of days
21 ago, it's not going to be an issue for you to run those
22 down in straight columns as opposed to --

23 MR. MOHAJER: That's correct, and I will be
24 speaking on item 23 on that specific issue.

25 BOARD MEMBER JONES: Okay, thank you.

1 Mr. Mike Schmaeling.

2 MR. SCHMAELING: Hello Board members. Mike
3 Schmaeling, Chair of the EAC and also Santa Barbara
4 County LEA.

5 I support Board's option number one. The LEA
6 has worked over many years in developing the current
7 advisory. I spent many early mornings and many late
8 evenings doing performance inspections trying to find out
9 what kind of ADC's work, how they work. I still have my
10 Scudder fly grill and many of the little fly traps that
11 we used to have to hang to test these materials out.

12 There's a lot of things that need to be looked
13 at with ADC. It's been a long process, even after the
14 Board established its current policy of which types of
15 materials could be used and which types had to go through
16 the performance inspections.

17 Some of the things I've seen, green waste is
18 great for compost but it takes an awful lot of green
19 waste to get a good cover. Compaction is key to getting
20 the proper amounts.

21 So what I'm leading to here is that in the, the
22 operator training through SWANA and the operator
23 certification process, we need to include proper uses of
24 ADC as part of that training. There are many different
25 innovative ideas that are being pursued, there's a

1 multitude of ADC's currently out there.

2 The LEAs need some flexibility in how to deal
3 with these types of alternative daily covers. I've seen
4 the benefits of utilizing wood waste on facilities that
5 have real clay soil during rainy periods, because you
6 can't spread wet clay soil over an active face. But the
7 chipped wood waste works really good.

8 Green waste, on the other hand, if it's clean,
9 it has to be clean to go to a composter. If you have
10 just one bag of trash that ends up in that green waste,
11 the composter doesn't want it. So quality control over
12 that.

13 We need to distinguish between green waste and
14 wood waste. And this is getting into what I would like
15 to see in Advisory 48. And I think that if we were to
16 work with the Board, all the stakeholders work with the
17 Board in refining what currently is Advisory 48, I think
18 we could come to a solution to this real quick.

19 Thank you very much.

20 BOARD MEMBER JONES: Thanks, Mr. Schmaeling.
21 Any questions? All right.

22 Paul Ryan, followed by Robert Nelson.

23 MR. RYAN: Honorable Board members and staff,
24 I'm representing the California Refuse Removal Council,
25 Southern District this morning, and also the Inland

1 Empire Disposal Association.

2 We respectfully respect that the Board approve
3 staff's recommendation of option one under item number
4 24. We certainly support that option.

5 Further, we feel that the issue of organics
6 regulation, including compost and mulch, should be taken
7 up as a separate comprehensive analysis of past and
8 current practices, and then review the regulations for
9 completeness, and revise this appropriately.

10 As a member of the LTF in Riverside County, and
11 I suspect Bob Nelson will comment further, we've been
12 impacted by a series of decisions by our Board of
13 Supervisors that have changed the playing field in at
14 least Riverside County, and possibly impacts other
15 facilities and outlets for organic materials in Southern
16 California. So we feel that we need to have a
17 comprehensive look.

18 Further, as on a personal note, I'm upwind from
19 a mulcher who from time to time can't get rid of his
20 material, and so he has, he has a fire sale and diversion
21 by fire from time to time. And we hope that you'll take
22 a look at that kind of operation and regulate it
23 appropriately.

24 Thank you.

25 BOARD MEMBER JONES: Thank you.

1 Mr. Nelson.

2 MR. NELSON: Mr. Chair and Board members, Bob
3 Nelson, Riverside County.

4 Those that know the history in Riverside County
5 know that I have resisted for quite some time once ADC,
6 green waste ADC use was approved. I resisted for many
7 months, if not a couple of years before we allowed it to
8 start using it in our landfill.

9 My conversion came about as a result of many
10 problems that we were occurring -- seeing in our county
11 with buildup of stockpile of these materials, odors,
12 fires as Paul has mentioned, and some serious problems
13 with neighbors that stimulated me to agree with members
14 of my local task force to start up a study of the
15 situation.

16 We did a study in 1998 of what was going on in
17 our county, and found huge stockpiles and totally
18 inadequate outlets to deal with the green waste
19 accumulation that we were all trying to feed into the
20 system.

21 And we came to the conclusion that we needed to
22 start using it even though it might, in some instances,
23 be contrary to practice at the landfill in order to keep
24 that system going.

25 We then, by 1999, started some use at one site,

1 and since then, after experimenting with another site,
2 have expanded it to our two other larger sites. So we
3 now have it going on in three sites, and I don't know
4 what numbers you're looking at, but if you're looking at
5 growth with respect to time, that's certainly one
6 explanation in our county's situation.

7 We have judiciously been careful not to overuse
8 the green waste because we dearly want the compost
9 industry or any other mulching operation to come into
10 existence so that over time we don't have to rely on
11 this.

12 But if we plug up the system and cause our
13 operators and processors to go out of business because of
14 neighbor problems or fires or odors or whatever it is,
15 that isn't going to help any of us achieve the long-term
16 goal.

17 The way we do it in our county is that we share
18 our capacity with all of the nearby Riverside County
19 processors. We say to them that, number one, it must be
20 ground up. It must be clean. It must be delivered to
21 our tipping face on a daily basis. We do not stockpile
22 it at the landfill; we do not grind it at the landfill;
23 it's brought in by processors who will deliver it there
24 on our schedule, and deliver it at no cost to the county.

25 So we are not quote trying to compete with

1 composters. If there is compost outlets they ought to be
2 able to compete with an outlet that says you gotta bring
3 it here all ground up and deliver at no payment.

4 So that's the policies we use. We support the
5 tightening, let's say scrutiny of how green waste is used
6 that is being proposed. Your advisory to the LEAs I
7 think probably does need to be tightened so that people
8 that are abusing the system don't foul up this long-term
9 outlet for all of us.

10 So that's, that really ends my comments on the
11 issue.

12 BOARD MEMBER JONES: Thanks, Mr. Nelson. Any
13 questions for Mr. Nelson?

14 Thank you, Bob. We've got three speakers left
15 that have the number, the two units. I'm going to do
16 Denise Delmatier, John Gullledge, and Michael Gross. Is
17 that reasonable? I'll do you on 23.

18 And I'm not the chair, I'm just filling her
19 seat, okay, I don't want to get anybody nervous.

20 MS. DELMATIER: I ain't going there. Members of
21 the Board, Denise Delmatier with NorCal Waste Systems.

22 I also want to lend our support to option number
23 one, and thank Mr. Scott Walker for his excellent
24 presentation on this item. I thought he did a wonderful
25 job in giving the history of the development of the

1 legislation as well as the regulations, and I thought it
2 was a wonderful description of the history lane that we
3 walked down.

4 As an active participant on the legislation and
5 the successful enactment of the legislation AB 1647,
6 Bustamante, it probably is time to take another look at
7 the LEA advisory. It's, I think it's essential in the
8 continuation of the enforcement and proper oversight of
9 the provisions of AB 1647 to make sure that there's clear
10 delineation and clear guidance to the LEAs and everybody
11 understands without, without controversy or without
12 question what the rules of the game are.

13 And I think that at this point in time in the
14 oversight and enforcement of AB 1647 that there might, in
15 fact, be some confusion out there as far as what are the
16 proper operational standards, and how those operational
17 standards should be applied consistently statewide.

18 So what we'd really like to see is clear
19 guidance, an update revision of the LEA advisories, both
20 48 and 50 if necessary, to provide that clear guidance.
21 The LEAs know what the operational standards are, and
22 then, of course can enforce accordingly but consistently
23 statewide.

24 I think that there probably is a necessity to
25 take another hard look at, at least an update of the

1 numbers and the reporting system that is currently in
2 place, because I think that we have a serious accounting
3 problem, as Mr. Chuck White mentioned.

4 I do think, though, that it would be premature
5 to revise regulations at this point until we have that
6 clear delineation of what the real numbers are. And at
7 that point, if warranted, we could take a look at
8 revising regulation.

9 But I think it's premature to do that until we
10 have the demonstration of a problem that needs fixing,
11 and I don't think we have that yet.

12 And finally, as one of the biggest composters in
13 this state, we also operate landfills, so we want to
14 preserve the options, the balance, as Mr. Nelson just
15 illustrated, that both solid waste facility operators
16 have the ability to look at ADC issues, especially when
17 you have a facility that has a serious problem with
18 on-site soil. And preserve that option as well as
19 preserve and enhance the composting industry.

20 I'd be happy to answer any questions.

21 BOARD MEMBER JONES: Any questions? Thank you,
22 Ms. Delmatier.

23 Mr. John Gullledge.

24 MR. GULLEDGE: Good morning, Board members, L.A.
25 County Sanitation Districts, and I'm the department head

1 in charge of our solid waste management program.

2 I appreciate the opportunity to come here today
3 to talk a little bit about ADC issues. As some of you
4 may know, we've been involved with the ADC issue from, I
5 guess, essentially the beginning.

6 We were a primary supporter of ADC green waste
7 being used as part of a daily cover program. We've
8 watched it grow from its infancy in the, I guess the late
9 eighties to early nineties where we had a few communities
10 participating in the program, to a situation now where in
11 Los Angeles County I believe we have over sixty
12 communities participating in green waste recovery
13 programs, and those being brought to either sanitation
14 district facilities or other privately operated
15 facilities.

16 So we've seen a great growth of this over time,
17 and so it's not surprising that you would see more use
18 over time. In response to some of the concerns that are
19 being expressed by people, you would naturally expect to
20 see more usage of green waste as more communities are
21 participating in these programs.

22 We've submitted a letter to you that provides a
23 lot more detail with respect to our comments, so I won't
24 go into that.

25 We're also supportive of the solid waste

1 industry group letter, and we would be supportive of
2 option number one.

3 A few other comments though before I sit down
4 would be, as it relates to the, sort of the policy issue
5 here, obviously AB 1647 was the implementing legislation
6 that all of the local governments here essentially in
7 Southern California were very supportive of, and the
8 districts were leading the charge with respect to that,
9 to ensure that waste derived ADC would constitute
10 diversion through recycling.

11 And that's basically the policy issue as I
12 understand it that we have in front of us. And we are
13 supportive of that, and would be strongly opposed to any
14 changes in that program or with that policy provision.

15 On the regulatory side of this issue, it seems
16 to be a concern about whether or not we should be looking
17 at a ten percent factor or something like that.
18 Regulatorily one foot is what's been set out at this
19 point in time, we're again very supportive of that
20 approach.

21 We do routinely check our facilities to ensure
22 that we're maintaining that, and work with our operators
23 to ensure that they're putting the materials down
24 properly and consistent with the regulatory requirements.

25 And we would not see any need to make a change

1 in that regard, and we certainly don't see any
2 relationship to a specific percentage as it relates to
3 any particular site as to whether or not, you know, they
4 should have strictly ten percent or five percent or
5 fifteen percent.

6 As it relates to the reporting issue, apparently
7 there is a problem, as well documented in the staff
8 reports. It's hard maybe to explain how that fully
9 happened, but to the extent that our two sites, Puente
10 Hills Landfill and Scholl Canyon, which are prominently
11 discussed in terms of some of those reporting errors, we
12 thought we were doing what we were instructed to do,
13 maybe we had a misunderstanding; but basically the
14 information is there, it's clear, anyone can go and take
15 a look at the details of that information, and you can
16 see exactly how much green waste is actually being used.

17 And the actual numbers are substantially less
18 than what's been reported in the documents to date since
19 other information was combined with the green waste for
20 purposes of that reporting.

21 My final comments would be this is an extremely
22 vital program to the communities here in Southern
23 California, and I think throughout the state. And we
24 think it's also extremely important to us as an agency,
25 it provides significant landfill cover for us on a day in

1 day out basis.

2 Just to give you an idea, at Puente Hills
3 Landfill we were probably using at one point in time
4 somewhere in the neighborhood of three and a half million
5 cubic yards, now we're not talking tons, but yards of
6 cover on a daily basis. We're probably down in the range
7 of two and a half million cubic yards now.

8 That's as a result of green waste, ADC programs.
9 It's as a result of using foam at our facilities. And
10 it's a result of other ADC's, including C and D that
11 we've used from time to time at our facilities as well.

12 So with that, those are my comments, and if you
13 have any questions I'd be happy to respond.

14 BOARD MEMBER JONES: Any questions for Mr.
15 Gullledge?

16 I have, I made an announcement yesterday about
17 our SWANA Waste Board first training that's going to be
18 at your facility, I think in September, August or
19 September.

20 MR. GULLEDGE: Yes.

21 BOARD MEMBER JONES: Mr. Nelson's comments about
22 the application of ADC as part of training in California,
23 Don Dyer is on vacation for a few weeks, but that's maybe
24 not a bad idea, and it seemed to me we included a piece
25 on that.

1 MR. GULLEDGE: Yeah, there's some training
2 associated with it, but I did make a note on my agenda
3 here that, to make sure that I review that with the
4 instructors for the upcoming September MOLO, which will
5 be the first MOLO that's set to provide a California
6 training emphasis here in the State of California.

7 BOARD MEMBER JONES: Thanks.

8 MR. GULLEDGE: Thank you.

9 BOARD MEMBER JONES: Michael Gross.

10 MR. GROSS: Good morning, Michael Gross from
11 Zanker Road Landfill.

12 And everybody in front of me has pretty much
13 addressed a lot of the issues, and in my letter it really
14 addresses the specific issue number 24 and 23. My letter
15 speaks for itself.

16 What I really want to talk about is what's
17 important to me as a recycler, and as a recycler of
18 demolition waste.

19 I'm going to give you a couple numbers. The
20 first one is five million. That's the cost of my
21 demolition recycling operation.

22 The second number is 95 percent. That's my
23 current recycling rate for my demolition waste.

24 Five percent. That's the residual that is
25 disposed from our operation.

1 And three percent. That's the amount of ADC
2 used I pull out of my operation doing demolition
3 recycling.

4 In my marketing zone I have several
5 competitors. I'm going to give you some of their
6 numbers.

7 Zero. That's the cost of the equipment that
8 they used to purchase the, the purchase of equipment to
9 use to produce ADC.

10 Recycling rate, one hundred percent. It all
11 counts.

12 Residual disposal, zero. Because there's no
13 residual when all you do is run over it.

14 ADC used, one hundred percent.

15 What has really happened in our area, in our
16 market zone is people are just taking debris boxes,
17 dumping them at the landfill face, running them over, and
18 calling it ADC. Very, very little effort is being made
19 to pull any recyclables out.

20 Staff reported that this isn't happening
21 anymore. Well as of 7:00 o'clock this morning when I
22 flew over a couple of landfills, it was.

23 They also stated that this hasn't been happening
24 for very long. Well, since 1998, and when you're trying
25 to make payroll and keep employees at your facility, it's

1 really hard to compete against people just dumping in a
2 landfill and calling it recycling.

3 What we really need here is a cap, and we also
4 need specifications. The current specifications,
5 "Construction and demolition waste shall be restricted to
6 crushed, ground, or screened materials, or mixed with
7 soil to provide a compacted material free of open voids."

8 If all they're going to do is run over it with
9 their tractor and push it on the landfill, that's not
10 really recycling. What they need to do is have it sized
11 to a three inch minus material, that lays down really
12 well.

13 I operate landfills, I know. And in the ADC
14 that I produce has all been sized because it's all gone
15 through our operations.

16 So I'm really in support of using ADC on certain
17 applications, but it should be processed, and there
18 should be specific specifications that the LEAs, and not
19 the just the LEA in my area, but all LEAs know what's
20 going on with ADC.

21 Thank you very much.

22 BOARD MEMBER JONES: Thank you, Mr. Gross.
23 Questions? And if any of the folks that had listed 23
24 and 24 feel a need to talk on 24 when we get to it, we'll
25 take care of it at the time.

1 All right. I am going to see if staff has
2 anything else to add after that discussion?

3 MR. WALKER: (Shook head.)

4 BOARD MEMBER JONES: Members? Mr. Paparian.

5 BOARD MEMBER PAPARIAN: Yes, Mr. Jones, thank
6 you.

7 I'd like to provide some direction to staff at
8 this point. So I'd like to move the following and,
9 basically three items.

10 One is that we direct staff to update LEA
11 advisory 48 as has been discussed.

12 Secondly, that the P and E, market development,
13 and DPL staffs together put together a working group
14 consisting of industry, composters, local governments,
15 appropriate consultants, environmental groups and LEAs to
16 provide input on several items, including:

17 The LEA advisory update.

18 The additional data collection that should be
19 done, including trend analyses, growth and the use and
20 types of ADC, etcetera.

21 Standardization of forms and reporting systems
22 across the state.

23 The impacts on local governments meeting their
24 50 percent requirements if we restrict the use of green
25 waste as ADC.

1 The impacts on composts markets of ADC use in
2 the state.

3 And any other issues that appropriately arise.

4 And third, that staff report back to us on their
5 progress on this issue at our October meeting.

6 BOARD MEMBER JONES: Do we hear a --

7 BOARD MEMBER MEDINA: I'd like to second that
8 motion.

9 BOARD MEMBER JONES: All right. We have a
10 motion by Mr. Paparian, a second by Mr. Medina.

11 I want to know if there's any discussion prior
12 to that? I think it's a good motion.

13 Would you call the roll?

14 MR. LEARY: Excuse me, Mr. Jones. This is a
15 discussion item, it's not a consideration item, so we
16 don't really need a motion on agenda item 24. The
17 direction you've given us is terrific, but I don't know
18 that we can actually take a vote and make a motion, the
19 item is not a consideration item.

20 BOARD MEMBER JONES: All right. So that's, it's
21 been written out and he can give it to you and that's the
22 direction.

23 MR. LEARY: Perfect.

24 BOARD MEMBER JONES: All right. I want to thank
25 everybody on that item. We're going to move to item

1 number 23.

2 Mr. Eaton.

3 BOARD MEMBER EATON: Mr. Jones. Mr. Leary,
4 yesterday you invited us up to Granlibakken to the LEA
5 conference, I would hope that some of this testimony you
6 heard here regarding, and some of the pictures that we've
7 seen would be a matter of great discussion up there,
8 especially some of the issues really deal with
9 enforcement of this. And I think in addition to
10 enforcement it has to be LEA evaluation as well, you
11 know.

12 And there's a certain point where there is a
13 lack of clarity with regard to the advisory. But there's
14 also situations, at least that I've seen today, which
15 clearly had nothing to do with misinterpretation or
16 misdirection, they're just not doing what's necessary.

17 So hopefully in August that can be a discussion
18 as well, and then we'll feed into the motion or the
19 direction that Mr. Paparian had mentioned, because that
20 would be helpful so they don't claim that they didn't
21 have prior notice of it.

22 Thank you.

23 MR. LEARY: Thank you.

24 BOARD MEMBER JONES: Thanks, Mr. Eaton. I do
25 think too that, you know, we spent an awful lot of time

1 going through these regulations and trying to formulate
2 something that made sense for everybody, and it's like
3 anything else, you know, you work through it and you hope
4 that people are going to comply, and that they're going
5 to, you know, honor what we had talked about. And so
6 there is enforcement, but there's also, you know, I mean
7 operators have to be held accountable because we don't
8 want to lose this option.

9 Mr. Gullledge said three and a half million cubic
10 yards, but if that's all dirt, it's going to be pretty
11 close to three and a half million tons of dirt. That's a
12 lot of dirt. So I think we, I think everybody's got a
13 stake in this.

14 All right. Item number 23.

15 MS. RANGE: Good morning, I'm Dianne Range with
16 the Board's Waste Analysis Branch, and I will be
17 presenting item number 23.

18 Before I began we have some handouts, and I want
19 to make sure everybody gets a copy of the slide
20 presentations, and also a copy of the corrections of page
21 number 15 of item 23, make sure that that is available to
22 you.

23 And also before I begin I would like to just go
24 over, the item is basically about the alternative daily
25 cover investigations that we've made at several

1 facilities that have reported high amounts of ADC usage.

2 Any Board decision on this item may have an
3 impact on a jurisdiction's 2000 diversion rate which will
4 be part of the upcoming biennial review to determine if
5 jurisdictions have met the 50 percent goal.

6 Because agenda number 23 is comprised of three
7 sections, we'd like to suggest to the Board that first
8 the staff presentation be made, and public testimony be
9 given, and then to openly discuss and then to vote on
10 each separate section before going onto the next one.

11 The three component parts of this agenda item
12 are facilities that are misreporting ADC; facilities with
13 ADC potential overuse or improper use; and inert
14 facilities.

15 Okay. To begin, facility operators are required
16 to report to the county the total tons of each type of
17 alternative daily cover or intermediate cover from each
18 jurisdiction at the landfill.

19 ADC use reported has been increasing
20 significantly over the past five years. At first in 1995
21 when it began to be reported it was around two percent of
22 the statewide disposal. It's steadily increased to about
23 five and a half percent in 1999, to almost 13 percent of
24 statewide disposal in the year 2000.

25 Significant amounts of certain ADC types were

1 claimed at some facilities in 2000. Because of high
2 amounts of ADC claimed to be used at some of these
3 landfills, staff became concerned and, as a result,
4 investigated these landfills that reported the greatest
5 tonnage that had the biggest impact on the jurisdictions
6 using the facility.

7 Staff of the Waste Analysis Branch, the
8 Permitting and Inspecting Branch, and the Local
9 Enforcement Agencies conducted joint investigations of
10 these sites, and the detailed findings are found in the
11 agenda item and will be highlighted today.

12 Staff determined that a total of nine facilities
13 warranted further investigation of its ADC use because of
14 high amounts reported.

15 Seven of the facilities investigated are Board
16 permitted solid waste facilities, and two are Board
17 permitted inert facilities.

18 The seven permitted solid waste facilities are
19 Puente Hills, Scholl Canyon, and Bradley located in Los
20 Angeles County; Fontana and Colton are located in San
21 Bernardino County; and Olinda Alpha is located in Orange
22 County; and B&J Drop Box in Solano County.

23 The two permitted inert facilities are Cal Mat
24 Reliance Pit number two, now owned by Vulcan Materials;
25 and Nu-Way Live Oak Landfill, both located in Los Angeles

1 County.

2 So the facilities investigated fell into three
3 categories. The facilities misreporting ADC; facilities
4 with ADC potential overuse or improper use; and the inert
5 facilities.

6 There were four facilities investigated that
7 were found to have issues of misreporting ADC use, and
8 those facilities are Puente Hills, Scholl Canyon and
9 Bradley located in Los Angeles County and operated by
10 L.A. Sanitation Districts, and Olinda Alpha located in
11 Orange County operated by Orange County.

12 The staff site visit did not reveal any ADC
13 overuse or abuse at any of these facilities.

14 A review of the disposal facility records
15 indicated that for these materials material used as ADC
16 and material used as beneficial use at the facilities
17 were reported together as ADC. Both ADC and beneficial
18 use are diversion activities. Impacts on diversion rates
19 are not expected, but the correct amounts and types of
20 ADC used at these facilities were not being reported.

21 This may explain why Puente Hills' use of green
22 waste ADC jumped from four and a half percent in 1999 to
23 22 percent in 2000, and Scholl Canyon went from 13
24 percent in 1999 to 54 percent in the year 2000.

25 Bradley Landfill, which uses also the Los

1 Angeles County reporting form, shows a significant jump
2 from point two percent in 1999 to 24 percent in the year
3 2000.

4 Olinda Alpha located in Orange County has
5 submitted disposal reports which show an increase from 16
6 percent in 1999 to 21 percent in 2000. Here the green
7 waste has been used for both ADC and for erosion control,
8 another beneficial use. The combination of green
9 material used for ADC and for erosion control results in
10 inflating the ADC reported amounts.

11 Staff has the following recommendations for this
12 category of facilities found to have reporting errors in
13 the ADC amounts used. That the Board direct staff to
14 assist facilities and counties to correct ADC reporting
15 inaccuracies for report year 2000, and direct staff to
16 continue to investigate facilities with questionable high
17 amounts of ADC use.

18 Is there anyone that wants to speak at this
19 time?

20 BOARD MEMBER JONES: Just a question. I haven't
21 discussed this with Mr. Mohajer, and I know he's down to
22 testify today, but what these resolutions are basically
23 doing, the majority of them, is saying we're going to
24 work with these, with these entities to help improve the
25 reporting so we're getting stuff in the right category.

1 MS. RANGE: Yes. Exactly.

2 BOARD MEMBER JONES: We're not mixing
3 contaminated soil and green waste and calling it all
4 green waste. That's pretty close?

5 MS. RANGE: Yes, exactly.

6 BOARD MEMBER JONES: All right. Any questions
7 of staff?

8 I am going to see if those folks that, we have
9 quite a few people that want to speak on this issue, I'll
10 offer Michael Gross? You're okay.

11 Denise Delmatier? You're okay.

12 John Gullledge? You're okay.

13 All right. Just didn't want to -- Mr. Don
14 Gamblin followed by Chuck Tobin.

15 MR. GAMBLIN: Good morning, members of the
16 Board, Donald Gamblin, NorCal Waste Systems, and in this
17 case representing the B&J Drop Box Landfill, one of our
18 subsidiaries.

19 Thanks for the opportunity to speak this morning
20 basically to clarify a couple of points from the staff
21 report.

22 A couple of general comments first. The
23 disposal reporting that we do is for incoming tonnage for
24 municipalities to document diversion. Unfortunately when
25 it's used to calculate ADC use on a percentage basis, bad

1 numbers do result.

2 Now I will admit that B&J does divert 36 percent
3 of its incoming tonnage in the year 2000, that's a pretty
4 good amount; however, its ADC use is only 16 percent, and
5 that's certainly not reflected in the staff report.

6 The other problem with, and as everybody has
7 talked about, there's problems with the numbers and the
8 way they're documented is, remember that the numbers that
9 are reported to these jurisdictions for diversion are
10 numbers that are at the gate, that reflects tonnage
11 coming in at the gate. It does not take into effect,
12 into account activities that happen on site that may
13 change the nature of that material coming into the
14 facility.

15 And I'll give you a for example. For example,
16 B&J recycled 40,000 tons of sludge last year on site.
17 That's 40,000 tons at the gate. By the time it's used on
18 site in its operations layer, it's one-third of that
19 40,000 because of the moisture content that is dried out
20 of the sludge.

21 But unfortunately, again, the tonnage at the
22 gate through this disposal reporting system is what is
23 used to calculate the ADC percentage and, again, bad
24 numbers do result.

25 I do support staff taking a further look and

1 hopefully returning to this Board in a public forum to
2 document what B&J's numbers actually are.

3 I do take exception, though, to the resolution
4 in the fact that it implies that B&J is using 36 percent
5 of its incoming tonnage as ADC, and would hope that that
6 can be changed to either state that it uses 36 percent of
7 incoming tonnage for ADC and other construction
8 activities on site, or just simply drops that one
9 whereas. Because it's certainly an implication that
10 seems inappropriate at this point given the preliminary
11 nature of these numbers.

12 Thanks.

13 BOARD MEMBER JONES: Any questions for Mr.
14 Gamblin?

15 I think, one thing, I mean I don't know if we're
16 going to change the resolution or not, but I think one
17 thing we do have to do when we go through this process is
18 make sure that we have the operational issues dealt with,
19 you know.

20 Mr. Chuck Tobin followed by Rod Posada.

21 MR. TOBIN: Hello, I'm Chuck Tobin with Burrtec
22 Waste Industries. I'm not sure, is this for Colton and
23 Mid-Valley?

24 MS. RANGE: (Shook head.)

25 MR. TOBIN: That's what I thought in your

1 introduction, so I'll wait until that comes up.

2 Thank you.

3 MR. POSADA: I want to speak to the next
4 section.

5 BOARD MEMBER JONES: To the next section, okay.

6 All right, we'll go through the list and see who
7 wants to speak to the next section.

8 Chuck White?

9 MR. WHITE: Yeah. Thank you, I was going to
10 call you Vice Chairman but I guess that's not correct.

11 BOARD MEMBER JONES: No.

12 MR. WHITE: Mr. Jones and other members of the
13 Board, I appreciate the opportunity to speak on this
14 section of this item. I would like to come back and
15 speak on the other issues as they come up as part of this
16 section.

17 The only landfill that Waste Management has in
18 this area is the Bradley Landfill, and it is a problem
19 with respect to how we have accounted for the materials
20 assigned the use of ADC.

21 In a sense it's a problem at our facility, and
22 problems of communication between the landfill operators
23 and the landfill accountants who prepare the reports to
24 the LEA. And unfortunately we had some problems in
25 communication there. And it was primarily an issue of

1 soils that are used beneficially got misreported as ADC,
2 and green waste that was used beneficially for other
3 types of composting activities was misreported as ADC.

4 What I've done is handed out to you a revised,
5 it's not the final revised because we would like to
6 continue working with the LEA and your staff to make sure
7 we fully refine these numbers. It is kind of an
8 accounting nightmare. But this gives a summary by month
9 for the year 2000 of all the various materials that we
10 accepted at Bradley. And over in the right hand column I
11 have put a summary of the actual numbers.

12 And as you can see, by quarter, we're some
13 considerably less than the 43 percent and the 33 percent
14 of the third and fourth quarters of the year 2000
15 respectively. We're about eight percent and six percent.
16 And overall for the year our ADC use is about five
17 percent.

18 And there is still some problems with these
19 numbers trying to figure out, for example, the C and D
20 waste, how much C and D waste is used beneficially for
21 things other than ADC versus C and D use that is used for
22 ADC.

23 We would like to continue working with you. We
24 support the adoption of the Resolution 2001-278 which I
25 believe is attachment seven, which again directs us to

1 work cooperatively with the LEA and the Board staff to
2 further refine and work on these numbers. And we
3 appreciate that opportunity.

4 Thank you very much.

5 BOARD MEMBER JONES: Thank you, Mr. White. Any
6 questions?

7 Joan Edwards, do you want to speak on this one
8 or later?

9 MS. EDWARDS: I'll speak on this one instead of
10 later.

11 BOARD MEMBER JONES: Okay. Mike Mohajer, you're
12 going to follow. Are you going to speak to this?

13 MR. MOHAJER: Both.

14 BOARD MEMBER JONES: Both.

15 MS. EDWARDS: I'm just going to briefly touch
16 on, I think, four issues.

17 One is I think the ongoing discussion of
18 misreporting, it just reinforces the issue that you can't
19 look at ADC in isolation, you have to look at total
20 incoming waste, and then what percentage is not being
21 disposed of or paying the Board of Equalization the state
22 fee.

23 Also this issue of splitting. I think it's a
24 legitimate, it's legitimate for the facilities to be
25 concerned about, you know, how they manage the splitting,

1 particularly when it applies to allocating to cities.

2 But I can see that at the very least, I'm near Bradley,
3 and I know it says, I don't question for a moment that
4 they do a lot of composting, they say they do composting
5 with their green waste, and I assume that's true.

6 But it does say in here that all green waste is
7 sent off-site for composting. And you cannot drive by
8 that landfill without seeing the large quantities of
9 green waste totally around the perimeter. That doesn't
10 mean that it's being used as ADC, it may be erosion
11 control. But again, this is a numbers issue that needs
12 to be looked at.

13 The issue of, and I'm not sure if this is the
14 right section but I'm going to take a chance and say it.

15 This whole issue of dirt filling in voids as
16 beneficial use makes no sense to me. If dirt doesn't
17 count as either for cover, why all of the sudden is it
18 okay to put it in the voids and count it as beneficial
19 reuse? Especially since, of the facilities I know, most
20 of the time it's because the mixed C and D, ADC has voids
21 and needs dirt to fill in.

22 So I would hate to see dirt considered
23 beneficial reuse, regardless of whether it's at a regular
24 landfill or an inert facility.

25 And those are my comments for this item.

1 BOARD MEMBER JONES: Thanks, Ms. Edwards. I
2 appreciate it.

3 Mike Mohajer, followed by Susan Collins.

4 MR. MOHAJER: Mr. Jones, members of the Board,
5 my name is Mike Mohajer, I represent Los Angeles County,
6 and I would also like to speak on the next sections as
7 well.

8 Mr. Jones, as I, we discussed, L.A. County has
9 absolutely no problem working with the staff to modify
10 the reporting system, and I certainly support Mr.
11 Paparian, your recommendation that we should have uniform
12 statewide forms that all jurisdictions, all the county
13 would be using that. And I will be working with the
14 staff to make sure that we get at least the counting, the
15 reporting problems to be uniform to the degree that L.A.
16 County can assist.

17 Having said that, I do take exceptions to the
18 statement that was made this morning, as well as a
19 statement that has been indicated on page 15 of the staff
20 report, which was the page 14 of the original staff
21 report and the page 15 of the revised staff report; and
22 as a result of that I provided a letter to Mr. Schiavo,
23 and I provided a copy of it to the members this morning,
24 and I would like to go over that. It is important for
25 the Los Angeles County from the standpoint that we do not

1 want to get credit for something that is not due.

2 And that is, on page 15 the staff has indicated
3 that, under the item "Facility Misrepresenting ADC"
4 there's a table and there's a paragraph after that, and
5 in the next paragraph it says,

6 "In addition, when the above
7 reports is received by Los Angeles
8 County the green waste and other
9 columns are added together and
10 recorded as one total for green waste
11 on the disposal reporting system."

12 This is absolutely incorrect and this is an
13 error. With my letter that I provided this morning you
14 do see the form that we report, the disposal reporting
15 system, and this is the form that has been provided to
16 the staff for both 1999 and the year 2000. They do have
17 these records in their file, they can pull it out of the
18 file and review it.

19 And I would really like them to really correct
20 this misstatement that what we report in our report
21 column, that if you look at this table over here, one
22 column it says "Diverted salvage" and another column
23 shows "Used for alternative daily cover."

24 At no time, at no time we combine and report
25 these materials as green waste. And that is bothersome

1 to Los Angeles County and the cities, and the
2 jurisdiction is roughly approximately three hundred
3 jurisdictions that we submitted the report to.

4 Having said that, I still reemphasize again, as
5 I mentioned to you, that we will work very closely with
6 the Board staff to make sure that we revise the form to
7 comply with whatever they requires.

8 BOARD MEMBER JONES: Okay. So you have guys
9 don't combine the salvage with ADC.

10 MR. MOHAJER: Correct.

11 BOARD MEMBER JONES: But when we talked didn't
12 we, wasn't there some confusion that ADC and other in
13 that one box was getting combined?

14 MR. MOHAJER: That, that is, that is the
15 statement, that is the statement that is made by the
16 staff, and that's where I have problem with it, take
17 exception.

18 BOARD MEMBER JONES: Right.

19 MR. MOHAJER: We do not do that.

20 BOARD MEMBER JONES: Right.

21 MR. MOHAJER: We, we report only as ADC, we
22 don't call it a green waste.

23 BOARD MEMBER JONES: I see. Okay. So they get
24 combined, but they get combined as ADC not as green
25 waste?

1 MR. MOHAJER: That's correct. That's all we
2 report is ADC.

3 BOARD MEMBER JONES: And that gets to the heart
4 of this whole issue because people are taking
5 contaminated soil and other things and they're calling it
6 ADC and everybody thinks ADC is green waste.

7 MR. MOHAJER: Right. And that's why you could
8 see the composting industry because I used this number as
9 a total green waste which is not the case, this is a
10 total ADC.

11 BOARD MEMBER JONES: Okay.

12 MR. MOHAJER: Now, if this reporting system, as
13 Mr. Paparian says, become a statewide and breaks it down
14 as the staff has recommended to all these different
15 types, that certainly would eliminate that, and we will
16 implement that as soon as we get through this meeting.

17 BOARD MEMBER JONES: Okay.

18 MR. MOHAJER: Working with the staff to get it
19 implemented. But one important issue I also said, that
20 as we revise the form, those information ought to be
21 provided by the landfill operators, so that is really
22 critical. If we don't receive the information so we
23 won't be able to report it.

24 BOARD MEMBER JONES: Understood. Thank you.

25 MR. MOHAJER: Thank you.

1 BOARD MEMBER JONES: Yes, Mr. Paparian.

2 BOARD MEMBER PAPARIAN: You were referring to
3 the charts on page 16, I think, right? The Scholl Canyon
4 chart, for example?

5 MR. MOHAJER: No.

6 BOARD MEMBER PAPARIAN: No?

7 MR. MOHAJER: I was referring to the chart that
8 is attached to my letter to Mr. Schiavo dated July 25th.

9 BOARD MEMBER PAPARIAN: Okay. I'll get it, I'll
10 ask this question later. I understand what you're
11 talking about, I got that. Thanks.

12 BOARD MEMBER JONES: Okay. Thank you, Mr.
13 Mohajer.

14 Any other questions? All right. We got to get
15 moving.

16 Susan Collins, did you want to speak at this
17 time?

18 MS. COLLINS: Yes.

19 BOARD MEMBER JONES: Okay. Joe Delaney?

20 MR. DELANEY: It was on inert, breaking them
21 out, I'll wait.

22 BOARD MEMBER JONES: Paul Glass, you want to
23 wait until later, right?

24 MR. GLASS: Right.

25 BOARD MEMBER JONES: And Chuck Helgut, you want

1 to wait until later?

2 MR. HELGUT: Right.

3 BOARD MEMBER JONES: Okay. Go ahead, Ms.
4 Collins.

5 MS. COLLINS: I'll be quick. I'm Susan Collins
6 from Hilton, Farnkopf and Hobson, and I'm speaking in the
7 general impacts of this entire issue. I was just
8 imagining what might happen in the future as the Board is
9 going through, working with the facilities, working with
10 the counties, trying to resolve how these wastes really
11 were placed, were they disposed, were they diverted,
12 etcetera. And I was just imagining down the road this
13 could all take several months, and all of the annual
14 reports for many, many jurisdictions would already be
15 filed.

16 And then several months down the road if the
17 Board comes to a decision that is different than what's
18 already been reported, I can imagine fifty, maybe even a
19 hundred jurisdictions at the most being impacted by
20 having their numbers restated from the diversion column
21 into the disposal column. And when they thought they had
22 met their 2000 goal, let's say, a number of jurisdictions
23 could be very upset to find out that they hadn't met
24 their year 2000 goal. And I just wanted to bring that up
25 in case the Board hadn't done the same imagining that I

1 had as to where this process might go, that probably
2 sooner rather than later would be the best way to handle
3 this.

4 BOARD MEMBER JONES: Are you talking about green
5 waste or are you talking about inerts going into an inert
6 site?

7 MS. COLLINS: Both, given that you're looking at
8 both issues, because different facilities have different
9 issues.

10 BOARD MEMBER JONES: Because the inert sites
11 were dealt with at this Board at one time that it wasn't
12 going to count. So I'm just, you know, things twist and
13 things happen, and I just want to make sure that your
14 concerns are with policy issues that this Board has been
15 consistent with.

16 MS. COLLINS: Well I'm seeing on the agenda
17 several facilities, some facilities that are strictly
18 inert sites, and others that are not. And whatever
19 decisions you might make, those decisions will impact a
20 number of jurisdictions.

21 BOARD MEMBER JONES: I understand that. In
22 fairness to your clients, I absolutely understand that,
23 but there was direction given by this Board on the inert
24 sites that may not have been followed.

25 MS. COLLINS: Right.

1 BOARD MEMBER JONES: And that's not this
2 Board's -- while it's, we get to deal with it, we didn't
3 create the problem. Right?

4 MS. COLLINS: That isn't where I went at all.

5 BOARD MEMBER JONES: Okay. Well I just wanted
6 to make sure.

7 MS. COLLINS: I'm just saying they've seen
8 numbers already that tell them one thing, that's the
9 information they're getting, through no fault of their
10 own. And, you know, there are many issues with many
11 entities, and they'd like more information sooner rather
12 than later.

13 BOARD MEMBER JONES: Gotcha, thank you. All
14 right.

15 I think we're into section, the next piece of
16 this. Or how do you want to deal with this, Dianne?

17 MS. RANGE: It's up to the Board, but I, we had
18 suggested that you take each segment separately and vote
19 on it --

20 BOARD MEMBER JONES: Okay.

21 MS. RANGE: -- before going onto the next one.

22 BOARD MEMBER JONES: And that would be these
23 resolutions 2001-272 through -- or no, it wouldn't be
24 272, it would be --

25 BOARD MEMBER PAPARIAN: Yes, please.

1 BOARD MEMBER JONES: No, it would be 274
2 through, 274 through 280 deal with the reporting issues,
3 correct? The other is the Cal Mat that we're still going
4 to, and the Nu-Way that we have to deal with on the inert
5 material, I think.

6 MS. RANGE: That's right. It would be 274, 275,
7 278, and 279.

8 BOARD MEMBER JONES: What happened to -- okay.
9 Okay. 76 is -- all right. Okay.

10 If the members don't mind I'm going to, I hope I
11 get this right. I want to move adoption of resolution
12 2001-274 which is the consideration of alternative daily
13 cover tonnage reported to the CIWMB disposal reporting
14 system for the calendar year 2000 for Puente Hills. And
15 we are, they are just going to work to make sure they get
16 that straightened out.

17 2001-275, consideration of alternative daily
18 cover tonnages reported to the CIWMB disposal reporting
19 system for the calendar year 2000 for the Scholl Canyon
20 Landfill.

21 2001-278, consideration of alternative daily
22 cover tonnage reported to the Waste Board through the DRS
23 for the Bradley Landfill West and West Extension.

24 2001-279, consideration of alternative daily
25 cover tonnage reported to the Waste Board's DRS for the

1 Olinda Alpha Sanitary Landfill.

2 And 2001-280, consideration of the alternative
3 daily cover tonnage reported to the Waste Board for
4 calendar year 2000 for B&J Drop Box.

5 MS. RANGE: That's in a separate section, the
6 B&J Drop Box resolution. That's not in this reporting,
7 it was under a different section.

8 BOARD MEMBER JONES: Okay.

9 MS. RANGE: So we, you may want to hear that
10 part of the presentation first.

11 BOARD MEMBER JONES: All right. So that's my
12 motion.

13 BOARD MEMBER MEDINA: Second that motion.

14 BOARD MEMBER JONES: Questions?

15 BOARD MEMBER EATON: Just one. When is the
16 process going to end that's in the resolve clause? Is it
17 open-ended? Because, is there a date certain by which
18 these corrections, additions, deletions, whatever, have
19 to be done, or are we going to be going in a year from
20 now or a year and a half from now saying, well, we
21 haven't quite made all the corrections. Is there a
22 timeframe by which we'll work with these local --

23 MS. RANGE: There is an end point to that.

24 BOARD MEMBER EATON: Is it in the resolution? I
25 don't see it, so unless I'm missing it. It says, "Be it

1 resolved that Board staff will revise and resubmit the
2 year 2000 quarterly disposal reports."

3 What I'm trying to get at is does that effect
4 the issue that was just raised that is now, because
5 jurisdictions aren't going to be able to get these
6 numbers, that affect the annual report and all these
7 other stuff. So, you know, is there a date certain by
8 which we're going to get those issues resolved so that
9 people can move to the next step?

10 MS. VAN KEKERIX: We did not include a date.

11 BOARD MEMBER EATON: I know that, but that's my
12 point.

13 MS. VAN KEKERIX: But the misreporting ones.

14 BOARD MEMBER EATON: The ones Mr. Jones just
15 mentioned?

16 MS. VAN KEKERIX: Yes, these resolutions, these
17 will not impact the jurisdiction diversion rates because
18 it's, what's misreported is other beneficial uses are
19 included with ADC so they won't be added to disposal
20 tons.

21 BOARD MEMBER EATON: Okay.

22 MS. VAN KEKERIX: And it's the disposal tons
23 that are going to impact diversion rates. If you'd like
24 to put a date in, we can work on a date.

25 BOARD MEMBER EATON: I just think that we should

1 just get things resolved instead of being open-ended no
2 matter whether they impact or not. If it's an issue, you
3 know, it was brought to the Board's attention, the Board
4 should have a beginning and an end.

5 BOARD MEMBER JONES: We're in July, August,
6 September. Can we get it done by October or November?

7 MS. VAN KEKERIX: I would think that we
8 definitely could get it resolved then. And it ties in
9 with the direction that we just got to work on forms and
10 things, so we can --

11 BOARD MEMBER JONES: Do it all at the same time.
12 And that was by October --

13 MS. VAN KEKERIX: October.

14 BOARD MEMBER JONES: -- that meeting? I'd like
15 to amend my motion to include that this is done by the
16 October Board meeting.

17 BOARD MEMBER MEDINA: Second the amendment.

18 BOARD MEMBER JONES: Okay.

19 BOARD MEMBER PAPARIAN: Can I ask for a
20 clarification?

21 BOARD MEMBER JONES: Yes, sir.

22 BOARD MEMBER PAPARIAN: You said that these, you
23 don't expect any of the tonnages to become disposal, it's
24 all going to be a different type of --

25 MS. RANGE: Because it's a misreporting of the

1 ADC and that doesn't count into, the disposal amounts
2 aren't going to be taken out of the ADC and put into
3 disposal which would affect the diversion rates.

4 BOARD MEMBER PAPARIAN: Okay. So now my, so was
5 Scholl Canyon in this resolution 275, or is that --

6 MS. RANGE: Yes.

7 BOARD MEMBER JONES: Yeah.

8 BOARD MEMBER PAPARIAN: Can I just ask a
9 question about that one specifically? 54 percent I think
10 for the year 2000, and then some of these some odd
11 percent in the last quarter of 2000 was reported as ADC,
12 but you're saying it's actually some other, much of it is
13 some other beneficial use.

14 MS. RANGE: Exactly.

15 BOARD MEMBER PAPARIAN: Just on, you know, I'm
16 not a garbage guy, but on the face of it 54 percent of
17 the material coming into a facility that's a garbage dump
18 is, you know, is used for something else, it just seems,
19 that number seems a bit high. That 54 percent coming in
20 the door would be put to some use other than strictly
21 disposal.

22 MS. RANGE: Road base or other types of erosion
23 control. Typically that's been the other beneficial uses
24 at those sites.

25 BOARD MEMBER PAPARIAN: Right, and I understand

1 the types of beneficial uses. But again, this 54 percent
2 of the material coming into the door, in the door not
3 being part of the garbage being disposed is, it feels big
4 to me.

5 BOARD MEMBER JONES: Right. If, if staff could,
6 when they look at that, it could be that they're getting
7 a lot of C and D in there that they're using for road and
8 the rest of their waste stream is a lighter waste stream
9 and it makes it a -- that's part of the problem with
10 combining ADC and this other stuff is that concrete
11 weighs a ton a yard, garbage weighs 272 pounds or 650 in
12 a truck.

13 So we need to, would you be able to give us some
14 clarification or at least a little narrative on those
15 types of materials that are, not distorting, but that are
16 inflating that number for -- would that work, Mr.
17 Paparian?

18 BOARD MEMBER PAPARIAN: Fine, thanks.

19 BOARD MEMBER JONES: All right. If there are no
20 other questions, would you call the roll?

21 BOARD SECRETARY VILLA: Eaton?

22 BOARD MEMBER EATON: Aye.

23 BOARD SECRETARY VILLA: Jones?

24 BOARD MEMBER JONES: Aye.

25 BOARD SECRETARY VILLA: Medina?

1 BOARD MEMBER MEDINA: Aye.

2 BOARD SECRETARY VILLA: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 BOARD MEMBER JONES: Okay, Ms. Range, part
5 two. And we really do gotta go, we gotta move.

6 MS. RANGE: Okay. If we can continue with
7 agenda item number 23.

8 MS. VAN KEKERIX: We're having technical
9 difficulties with the slide presentation.

10 MS. RANGE: I'll just go ahead and move along.

11 The next slide is facilities with potential ADC
12 overuse or improper use of ADC. And three facilities
13 fall into this category: Fontana and Colton disposal
14 sites in San Bernardino County and operated by NorCal San
15 Bernardino, Inc.; and B&J Drop Box located in Solano
16 County and operated by NorCal, Inc.

17 The site visit and a review of the disposal
18 reports for the facility shows significant amounts of ADC
19 use. Regulations require that any tonnages over the
20 maximum allowable for ADC use be counted as disposal. If
21 amounts over the maximum ADC use are added into disposal,
22 this could impact diversion rates for jurisdictions
23 sending waste materials to these facilities.

24 Fontana disposal reports show ADC use in 1999
25 about 22 percent, and in 2000 to be about 27 percent.

1 All the ADC was allocated to San Bernardino County in
2 2000, with over 113,000 -- excuse me, wrong slide --
3 113,000 tons ADC claimed, and approximately 36,000 tons
4 of waste disposed.

5 Colton's reported green waste ADC use was
6 reported to be 13 percent in 1999, and 23 percent in
7 2000. And over 70,000 tons of ADC was reported, and
8 about 21,000 tons was reported as disposal with all the
9 ADC amounts allocated to unincorporated San Bernardino
10 County in the year 2000.

11 B&J Drop Box in Solano County reported 18
12 percent green waste ADC use in 1999, and 36 in 2000. The
13 operator reported a large portion of the ADC as sludge,
14 which was used in the operations layer at the site. This
15 use is considered beneficial and, as such, would count as
16 diversion, but it's not required to be reported to the
17 county.

18 Excluding the ADC sludge type would reduce the
19 ADC tonnage to about 14 percent of the total amount of
20 waste received for disposal.

21 The following is a staff recommendation for
22 facilities in the potential overuse or improper ADC use
23 category:

24 That the Board direct the Permitting and
25 Inspection staff to work with the LEA on continued

1 investigations of these sites for appropriate agency use.

2 That the landfill violations be handled through
3 the standard Board process.

4 That the Waste Analysis Branch staff continue to
5 work to obtain records from the facility operators.

6 And that the Waste Analysis Branch staff include
7 any tons of overuse or improper use of ADC into the
8 disposal tons reported in the disposal reporting system.

9 Any questions on this segment?

10 BOARD MEMBER JONES: Mr. Medina.

11 BOARD MEMBER MEDINA: I had a question in regard
12 to the B&J Drop Box. During the testimony they took
13 exception to the figure 35.94 percent. Did they offer a
14 figure themselves?

15 MS. RANGE: I believe that gentleman is still
16 here, but I think what he was saying is what, I had just
17 said about the sludge being counted as beneficial use,
18 included in that category is ADC, so that's why their
19 numbers were so high.

20 And that's, that sludge is evidently part of
21 what they use for their operations layer, and it's not
22 really an ADC material for that, for that use.

23 So if we took out that amount that was used for
24 that, it amounts to about 14 percent ADC rather than the
25 higher number.

1 BOARD MEMBER PAPARIAN: Mr. Jones.

2 BOARD MEMBER JONES: Go ahead.

3 BOARD MEMBER PAPARIAN: So following up on that.

4 Did they, in fact, report as this data in there is
5 listed, did they, in fact, report that 35.94 percent of
6 all waste received was ADC? And then the question
7 that --

8 MS. RANGE: Exactly, and that's the whole
9 problem about the ADC being the large bulk category where
10 a lot of other uses, like beneficial uses like that, are
11 being reported as well.

12 BOARD MEMBER PAPARIAN: Okay. Now if there's
13 some explanations associated with why it's at 35.94
14 percent, then that would come out in this process that's
15 called for in the resolution? If there's some
16 explanations that could then help --

17 MS. RANGE: Yes.

18 BOARD MEMBER PAPARIAN: -- change the numbers?

19 MS. RANGE: Right.

20 BOARD MEMBER PAPARIAN: Okay.

21 BOARD MEMBER JONES: Okay. Any other
22 questions? All right.

23 Chuck Tobin, please, or do you want to speak on
24 this issue?

25 MR. TOBIN: Thank you, Mr. Board Member.

1 I'm Chuck Tobin with Burrtec Waste Industries.
2 The only reason, the sole and only reason I'm here today
3 is to point out what the Board may already know which is
4 that there is a new contract and waste system operator in
5 the County of San Bernardino.

6 Staff has noted that it was NorCal. Their
7 contract went up to the 30th of the June, 2001. Burrtek
8 is the new contractor operator as of the 1st of July.

9 A number of issues -- in a way I think what we
10 have is at least a discovery process that has worked,
11 which is to say that your staff, local LEA staff, I see
12 Mr. Trujillo here, identified that there was an issue.
13 We all sat down, and we've taken other actions where, but
14 as far as any questions of having to go back through that
15 period of time, sort out data, if there are any fines or
16 any other type of punitive penalties associated with it,
17 it was on someone else's watch. And that's the reason
18 why I'm here.

19 I think that now that staff recognizes that,
20 certainly the local LEA recognizes that. We believe that
21 the issues that have been identified are being actively
22 corrected at this point in time.

23 Thank you.

24 BOARD MEMBER JONES: Questions? Thanks, Mr.
25 Tobin.

1 Paul Glass.

2 And Mr. Mohajer, did you want to speak on this
3 section? No.

4 MR. MOHAJER: I'll pass.

5 BOARD MEMBER JONES: Mr. White, did you have any
6 desire?

7 MR. WHITE: No.

8 BOARD MEMBER JONES: No. Okay. Just checking.
9 Go ahead.

10 MR. GLASS: Good afternoon or good morning,
11 Board members. Just a couple of comments I think.

12 I just wanted to recognize that, and I agree
13 with staff here, that this is potential. I have more of
14 a concern with the issue of the process rather than the
15 potential misuse because I, we've looked at some of the
16 reports that were referenced, and although the staff
17 report indicates, and I'd like to just refer to that, you
18 know, "overuse of green material," nowhere in those
19 previous inspection reports did it use that word
20 "overuse." You know, there was some misapplication
21 perhaps, or some excessive use in some areas.

22 However, that being aside, the process I'm
23 concerned about was that until this staff report was put
24 on the website the county's solid waste management
25 division was unaware of what was going to be said. We

1 have yet to see a report from staff.

2 We certainly will work together with Board staff
3 in resolving the issues that have been raised. And I
4 want to, you know, let you know that we will work with
5 them.

6 Now it may be that they had contacted NorCal
7 staff rather than county staff. But again, they were our
8 operator, and however, they were our contract operator
9 for the landfill, we are the owner operator, and we take
10 responsibility obviously for any reporting. But we will
11 work with staff on that.

12 BOARD MEMBER JONES: Any questions? Okay.

13 MR. GLASS: Any questions?

14 BOARD MEMBER JONES: Thank you, Mr. Glass, we
15 appreciate it.

16 MR. GLASS: All right.

17 BOARD MEMBER JONES: All right. Do the Board
18 members want to make some motions?

19 BOARD MEMBER PAPARIAN: Yeah.

20 BOARD MEMBER JONES: All right.

21 BOARD MEMBER PAPARIAN: I'll move Resolution
22 2001-276 related to the Fontana Refuse Disposal Site;
23 2001-277 related to the Colton Refuse Disposal Site; and
24 2001-280 related to B&J Drop Box Facility.

25 BOARD MEMBER JONES: Mr. Paparian, could we put

1 dates on these two to get these done, would that be
2 possible?

3 BOARD MEMBER PAPARIAN: Yeah, that would be
4 fine, the same dates as we had in the prior resolutions.

5 BOARD MEMBER JONES: Would the October meeting
6 be sufficient to get this done?

7 MS. RANGE: (Witness nodded head.)

8 BOARD MEMBER MEDINA: Second the motion.

9 BOARD MEMBER JONES: All right. Mr. Paparian
10 makes the motion, Mr. Medina seconds it.

11 Could you please call the roll?

12 BOARD SECRETARY VILLA: Eaton?

13 BOARD MEMBER EATON: Aye.

14 BOARD SECRETARY VILLA: Jones?

15 BOARD MEMBER JONES: Aye.

16 BOARD SECRETARY VILLA: Medina?

17 BOARD MEMBER MEDINA: Aye.

18 BOARD SECRETARY VILLA: Paparian?

19 BOARD MEMBER PAPARIAN: Aye.

20 BOARD MEMBER JONES: It passes. Now we go into
21 number three, right? The inerts.

22 MS. RANGE: Okay. The third category are the
23 inert facilities, Cal Mat Reliance Pit Number Two, Nu-Way
24 Live Oak Landfill, both located in Los Angeles County.

25 Cal Mat is owned and operated by Vulcan

1 Materials and has reported no ADC use from 1995 to 1999,
2 but all four quarters of 2000 ADC was reported as exactly
3 50 percent or approximately 50 percent of the total
4 amount of waste received. The ADC amounts reported was
5 for clean soil and used to fill voids and as cover
6 material.

7 The Board needs to determine if soil used to
8 fill voids is a beneficial use and, therefore, allowed to
9 count as diversion.

10 Letters from both operators claim that clean
11 soil is used to fill voids and as cover material and,
12 therefore, is a beneficial use.

13 Between 1995 and 1999 all tons have been
14 reported as disposal. And statute says fee exemption for
15 these facilities will not affect what counts as disposal
16 and diversion.

17 Again, the Board needs to determine whether the
18 soil that is used to fill voids and as cover is a
19 beneficial use.

20 If the Board determines that clean soil used to
21 fill voids and as cover is not a beneficial use and,
22 therefore, not allowed to count as diversion, the amounts
23 would need to be removed from the ADC use and added into
24 disposal, into the disposal reporting system, which may
25 affect some jurisdiction's diversion rates.

1 Nu-Way Live Oak operated by Waste Management,
2 Incorporated reported no ADC use for the years 1995
3 through 1999. In the third quarter, 2000, Nu-Way
4 reported more than 80 percent of the total waste received
5 as ADC, and in the fourth quarter, 2000, ADC was reported
6 to be more than 90 percent of the total waste received.
7 And the operator states that clean soil is used to fill
8 voids and as cover material.

9 In past Board decisions related to inert
10 facilities, jurisdictions were allowed to add tonnages
11 going to these inert facilities into their base year
12 amounts, known as the L.A. fix, to prevent reduced
13 diversion rates. The Board supported a statute that says
14 exemption from the fees will not impact what counts as
15 disposal and diversion. And the Board directed issues to
16 be addressed in the upcoming revised C and D regulations.

17 Staff recommendation is that if the Board
18 determines that filling voids with clean soil is not a
19 beneficial use, then staff be directed to revise the
20 disposal numbers to remove all tonnages reported for use
21 as ADC, and to add those tonnages to the disposal amounts
22 for each affected jurisdiction. This is consistent with
23 past Board decisions.

24 Affected jurisdictions would, therefore, not be
25 allowed to count the previously reported ADC tonnages as

1 diversion, and their diversion rates may be lower because
2 of the added disposal amounts.

3 Are there any questions?

4 BOARD MEMBER JONES: Okay. It doesn't look like
5 any right now.

6 I do have one question. I didn't see the number
7 come up. Didn't the reporting system for one of these
8 facilities show 15,000 tons of disposal, 475,000 tons of
9 diversion in a quarter?

10 MS. RANGE: I believe it does. I don't have the
11 numbers right with me right now, but that sounds about
12 right, and I don't remember which one it was exactly.
13 But I can get that.

14 BOARD MEMBER JONES: Okay. All right. I'm
15 going to go off a list. I'm going to tell you who's, I
16 may have messed Mr. Helgut up on this by putting him in
17 23 and I apologize. Chuck Helgut, Joe Delaney, Mike
18 Mohajer, Rob Posada, and Chuck White.

19 Are there any others that are, that had planned
20 on speaking on this? If there are, I apologize.

21 We will start with Mike -- well, we'll start
22 with Rod Posada from the City of Irwindale, we'll follow
23 up with Chuck White, we'll follow that Mike Mohajer, Joe
24 Delaney, and if Mr. Helgut wants to, I will let him go
25 last. I'm sorry.

1 MR. POSADA: Good morning, Board members. My
2 name is Rob Posada, I'm the director of Public Works
3 Engineering for the City of Irwindale.

4 Irwindale is well known because of the sand and
5 gravel pits. In fact, we have seventeen pits, and seven
6 of them inactive, four of them now are inert landfills.
7 Nu-Way and Reliance Two are part of our inert landfills.

8 It is the opinion of the city that inert
9 landfills should not even be counted as a solid waste
10 landfills. We are here comparing apples and oranges.

11 Inert landfills could be equated more to a
12 grading operation. They, the material received from
13 inert landfills is concrete, broken concrete and asphalt
14 as well as dirt. This material is compacted to an
15 engineered fill. And the beneficial use after we call
16 it, reclaim those pits, is for buildings.

17 In fact, we have two clear examples that you may
18 know is the Irwindale Speedway on, presently Tromick Road
19 is developing 125 acre site there is to be an inert
20 landfill. This is, this landfill is a, former landfill
21 is going to be, is going to have a 2.5 million square
22 feet of buildings.

23 The economic future of the city is banked on
24 filling those pits, what we call the inert landfills. We
25 strongly support the recommendation number three by your

1 staff, that they either, either the materials submitted
2 by Nu-Way as ADC be counted as diversion, and if it is
3 not counted as diversion, at least not be counted at all
4 or as a diversion or as a disposal.

5 I would like to invite you, the Board members,
6 to come to our city and see firsthand what the difference
7 between our inert landfills and inert solid waste
8 facilities. You will notice that the amount of work in
9 compacting the material as well as the finished product
10 of when those pits are reclaimed is a lot different than
11 a column landfill.

12 Thank you for your consideration. Do you have
13 any questions?

14 BOARD MEMBER JONES: Any questions? The Water
15 Master down in this area, has the Public Works Department
16 worked with them to try to, by law if we, if it is a
17 permitted solid waste facility, this Board has to count
18 what goes in as disposal or diversion. You've got three
19 facilities out of seventeen that are solid waste
20 facilities.

21 Has the Water Master made any overtures that
22 they may be willing to move that requirement? I'm sure
23 there's a need for that requirement, otherwise they
24 wouldn't put it on to ask for a solid waste facility.

25 UNIDENTIFIED SPEAKER: We haven't spoken to,

1 with Waster Master about this issue. We do know that the
2 Water Master is, has a laboratory, agency in charge of
3 monitoring the groundwater because this area is also one
4 of the biggest aquifers in Los Angeles County.

5 And, but just because the Waster Master has a
6 regulation, the Water Master doesn't even allow to use
7 shredded tires or gypsum board be put in these landfills
8 or these, yeah, inert landfills. Only, again, broken
9 asphalt and concrete and dirt is the only materials
10 allowed to be going there.

11 We don't have a problem with the Water Master,
12 the Water Master has a job to do and they are doing it
13 very effectively, and we work together.

14 BOARD MEMBER JONES: Right. And we have a job
15 because it's a permitted facility and we have to count
16 'em, you know.

17 MR. POSADA: Maybe that's a policy change that
18 you count disposal.

19 BOARD MEMBER JONES: Okay. Thank you. Thank
20 you.

21 UNIDENTIFIED SPEAKER: Thank you very much.

22 BOARD MEMBER JONES: Mr. Chuck White.

23 MR. WHITE: Thank you, Mr. Jones, members of the
24 Board, Chuck White representing Waste Management.

25 I'm here to speak on the Nu-Way mine reclamation

1 facility. It's one of the two facilities that Mr. Posada
2 mentioned.

3 This inerts issue is far more complicated than
4 just ADC. It's not just simply an ADC issue, but it's
5 the question of how should all inerts that are used for
6 structural fill in a mine reclamation facility be
7 counted.

8 And this has been an issue that has bounced back
9 and forth, but unfortunately has never been resolved
10 fully in the last five or six years that I know it's been
11 of issue.

12 We, the Nu-Way facility and the Cal Mat facility
13 are the only few mine reclamation facilities that have
14 solid waste permits. We didn't seek those permits, they
15 were basically, we were told at the behest of the Water
16 Master that we were required to get them. But even those
17 permits refer to this as a landfilling other operation,
18 not as a municipal solid waste landfill, not as a
19 disposal site, but as a landfill other. And we have
20 always in good faith believed that that meant a special
21 accommodation made for the fact that these are solely
22 inert, mine reclamation facilities.

23 What we have been doing historically is
24 reporting this material up until the middle of 2000 as
25 landfilling with three asterisks. And those three

1 asterisks on the form nine were meant to refer to the
2 fact that this is landfilling of inerts in a mine
3 reclamation facility under this Board's Resolution
4 97-509, which I'll get back to in a second.

5 So even though we had been reporting it as
6 landfilling up to the mid of 2000, it was always with the
7 understanding that it's kind of a, we believe it to be a
8 special category of landfilling of inerts.

9 We did make a change in mid-2000, began to take
10 a look at the soil that was accepted. Again this is
11 clean soil, and it was used primarily for filling the
12 void spaces around a larger material like concrete and
13 asphalt. And in the parlance of a mine reclamation
14 facility, that is viewed as cover materials necessary to
15 create the structural subbase for the ultimate
16 reclamation of the property when everything is brought
17 back to grade.

18 Unfortunately the operators got, you know, felt
19 that this, improperly, they put it into the ADC column on
20 the form nine. And we're fully committed to go back and
21 correct those form nines and go back to the previous
22 practice prior to July of 2000 to indicate that this
23 material is landfilled, but again with the three
24 asterisks consistent with Board Resolution 97-509.

25 But the broader issue is not how should the

1 inert issue, the ADC or cover materials or soil cover be
2 handled, it's really all the materials that go in. We're
3 talking about asphalt, cured asphalt, concrete, soil,
4 brick, other types of inert inert, clean inert materials
5 that are used for structural fill.

6 And it could be, there are only three options,
7 one is disposal, one is diversion, and are these
8 materials, should they be taken off the table all
9 together?

10 And we've tried to, as a company, consistently
11 say for the last several years that we believe these
12 materials should be taken off the table, they shouldn't
13 be counted either as disposal or as diversion, but as a
14 mine reclamation structural fill.

15 Now I've handed out a -- well let me, before I
16 go to that.

17 We believe this is really consistent with the
18 way the majority of these kinds of facilities are
19 permitted by this Board. There's numerous mine
20 reclamation facilities around the state that use this,
21 but again, it's only these two facilities that have
22 obtained solid waste permits, we believe, because at the
23 behest of the Water Master. But again, these were for
24 landfill other.

25 But the other issue, and it has to do with the

1 first handout that I gave you, and the legislature has
2 spoken, although maybe not as clearly as we might wish
3 they would have spoken on this issue, and that is on
4 Section 41781.2.

5 Unfortunately, the staff report doesn't really
6 evaluate this particular section in the Public Resources
7 Code, but we think, you know, it's worthy of some
8 attention before the Board makes a final decision on
9 this.

10 And it specifically defines inert solids to
11 include rock, concrete, brick, sand, soils, fines,
12 asphalt, and unsorted construction demolition waste. And
13 it says,

14 "For purposes of determining the
15 base amount of solid waste from which
16 diversion requirements of this
17 article shall be calculated, solid
18 waste does not include the diversion
19 of inert solids, including inert
20 solids used for structural fill."

21 So at least for base year purposes, these kinds
22 of materials are off the table. Now, this legislation
23 doesn't refer to what happens in the target year like
24 year 2000, but by inference it would seem to me if it's
25 off in the base year it would be pretty clear it would be

1 off in the target year as well.

2 BOARD MEMBER JONES: When was this done, Mr.
3 White? 1989, 1990, 1991? When?

4 MR. WHITE: This section, I don't remember how
5 long it's been in, but I think it's been in for eight
6 years. It's been a long time.

7 BOARD MEMBER JONES: But it was when we had a --
8 when was it?

9 MS. VAN KEKERIX: Effective January, '93.

10 MR. WHITE: Effective January, '93.

11 BOARD MEMBER JONES: All right. And that was
12 when it was a, that was prior to us becoming a disposal
13 accounting, right?

14 MR. WHITE: I think it was about concurrent with
15 that actually.

16 MS. VAN KEKERIX: It was.

17 MR. WHITE: It was. So it really is consistent
18 with the current way the legislation, the legislation is
19 structured.

20 Now, it does provide for options for including
21 these things in the base year, but again, the implication
22 is that even though it might be included as a disposal of
23 your base year, you still have the opportunity to include
24 it as a diversion type of thing in your off or target
25 years.

1 This is a very complicated issue, and
2 unfortunately the staff report doesn't even go into the
3 evaluation and deliberation and assessment of this
4 section. And we think there needs to be a discussion
5 about how this section is meant to apply to these kind of
6 materials, again used for structural fill. But this
7 language doesn't even restrict it to structural fill, it
8 says, "Inert solids, including inert solids used as
9 structural fill."

10 And of course, we believe both of these
11 facilities, the Cal Mat and the Nu-Way facilities are
12 both using these materials as structural fills for
13 purposes of land reclamation.

14 The second handout that I gave you has to do
15 with, as I mentioned earlier, is your resolution 97-509,
16 which I believe is still in effect and does address the
17 various categories of materials that are not under the
18 Board's jurisdiction.

19 And this is, has raised a lot of questions and
20 concerns. There's been some correspondence written back
21 and forth between the former executive officer and
22 ourselves on this issue. But as it stands, it says in
23 item number seven on the "Therefore be it resolved," the
24 "CIWMB would not have jurisdiction over the use of
25 construction and demolition and inert debris from mine

1 reclamation," which is exactly what we're doing here.

2 And so again, by implication, it would appear
3 that if you don't have jurisdiction over it it wouldn't
4 be either, it certainly wouldn't be disposal, and it may
5 not even be a diversion, it would simply just considered
6 to be off the table, to not count one way or the other
7 for disposal.

8 Or, and that's not just the material that we had
9 mistakenly previously counted as ADC, but we believe that
10 this kind of evaluation should be applied to all of the
11 material that goes into these mine reclamation facilities
12 that are legitimately using these materials for
13 structural fill.

14 BOARD MEMBER JONES: But structural, I mean
15 structural fill, because we gotta move.

16 MR. WHITE: I understand.

17 BOARD MEMBER JONES: When you're talking about
18 using dirt as ADC to cover up voids, part of an inert
19 engineered fill is that the lifts be engineered in a way
20 so that you're at 70 percent compaction as you come up.

21 MR. WHITE: Exactly.

22 BOARD MEMBER JONES: That material is not a fill
23 material, it is part of the lift. It is part of the
24 requirement to get to your compaction level so you can
25 build on it.

1 MR. WHITE: And I agree. We fully intend to
2 back out those numbers, and we misreported them starting
3 in July of 2000. We made a commitment that we're going
4 to go back and report all of the material that goes into
5 the facility as landfilling. But again, with these
6 asterisks, because we're still uncertain, until this
7 Board or the legislature clarifies, should this be in or
8 out, should it be disposal or diversion, or just simply
9 off the table?

10 Again, we would recommend this material should
11 be just simply taken off the table and not count either
12 way. And we believe that was the intent of the
13 legislature when they enacted Public Resources Code
14 41781.2.

15 BOARD MEMBER JONES: I would have no problem
16 with that.

17 MR. WHITE: Okay.

18 BOARD MEMBER JONES: I mean that would not
19 bother me at all, but when it comes down as 475,000 tons
20 of diversion, then I get --

21 MR. WHITE: And I can't be humble enough about
22 telling you how I want to apologize for the misreporting,
23 because it was simply a glitch. Because we thought we
24 had an understanding with this Board that while we were
25 going to continue to report it as disposal but as

1 landfilling, we were going to ask to highlight that this
2 is kind of a unique special form of landfilling which,
3 while we believe it should be off the table, that issue
4 has not been fully resolved, and we want to work with
5 this Board and the legislature to make sure it becomes
6 fully resolved.

7 Now, with respect to the resolution --

8 BOARD MEMBER EATON: So you support the
9 resolution?

10 MR. WHITE: I'm sorry?

11 BOARD MEMBER EATON: So you support the
12 resolution?

13 MR. WHITE: I do not support the resolution and
14 I would ask --

15 BOARD MEMBER EATON: Well you just, I mean, Mr.
16 White, you just got done saying that you can't be humble
17 enough to back up the figures and not count 'em, and all
18 it says right here is now be it resolved that all the
19 waste previously reported as ADC by Nu-Way, Live Oak, and
20 da da da da in the year 2000, you know, I mean -- there
21 it goes. You just got done telling us on the record that
22 you were going to do that, and the resolution just
23 confirms what you did in writing.

24 MR. WHITE: Well unfortunately it doesn't, Mr.
25 Eaton, in my opinion.

1 BOARD MEMBER EATON: Well where doesn't it do
2 that?

3 MR. WHITE: What we believe it says is that you
4 now count this as disposal. And we're suggesting it
5 should be counted neither way as disposal or diversion,
6 it should be taken off the table. Because you see it
7 says, "Now therefore be it resolved that all the waste
8 previously reported as ADC shall count as disposal."

9 We have no problem reporting it as landfilling
10 with an asterisk recognizing that this is kind of a
11 special category that hasn't been fully resolved, but to
12 adopt a resolution to say definitively it is disposal, we
13 would urge you not to do, and request you not,
14 respectfully.

15 BOARD MEMBER PAPARIAN: I'm not --

16 BOARD MEMBER EATON: But the dirt, it's the
17 dirt, you know, is what you're saying is not disposal.

18 MR. WHITE: We're saying none of this material,
19 the concrete, the rock, the cured asphalt, none of this
20 is disposal. We don't disagree, it may not even be
21 diversion, but the point is the legislature, we believe,
22 has said that this should be taken off the table all
23 together, it shouldn't count either way. It's a mine
24 reclamation used for structural fill.

25 BOARD MEMBER EATON: Well I don't think so

1 because your SB 515 didn't make it, and you had your
2 opportunity to do it there and you didn't do it, you
3 didn't close the deal because you know that that's not
4 where they were going.

5 MR. WHITE: We tried to be silent on the issue
6 of disposal --

7 BOARD MEMBER EATON: Ahhh, so they haven't
8 spoken.

9 MR. WHITE: On that piece of legislation.

10 BOARD MEMBER EATON: Right, I think so.

11 MR. WHITE: We basically left the argument alone
12 with respect to what was already on the table with the
13 understanding that this Board was going to move forward
14 with C and D inert regulations somewhere down the road.
15 And we would certainly would be supportive of working
16 with you on that.

17 BOARD MEMBER JONES: Mr. Paparian I think has a
18 question.

19 BOARD MEMBER PAPARIAN: Thank you. And on some
20 of these points what's being suggested is some
21 interpretations of the law. I'd like to hear from our
22 counsel's office if they have any response or alternative
23 explanations or interpretations?

24 LEGAL COUNSEL BLOCK: Sure. Actually what I
25 think I'd like to add is just a couple of bits of

1 clarification because I think the next item after this is
2 an update or a status report on the C and D regs, and I
3 think that's what Mr. White is talking about, the next
4 place where this issue might come up.

5 But as was noted, in terms of this particular
6 item the resolution is about, the issue is about
7 potentially changing, correcting the disposal reports for
8 2000, which is something we need to do quickly now
9 because we've got the disposal reporting numbers to
10 crunch for the year 2000, so that's sort of the present
11 issue.

12 But what I'd like to do is just add a couple of
13 clarifications for the larger issue that Mr. White has
14 raised. Two very brief things.

15 On the Public Resources Code Section 41781.2,
16 the statute that Mr. White has handed out, I think it's
17 important to clarify that this is what we commonly refer
18 to as the restricted waste statute. And it did come in
19 at the same time as disposal reporting came in, it was
20 all part of the same system.

21 What this limits, though, is it limits the, the
22 base year is made up of a generation number which is
23 disposal and diversion.

24 This statute limited the ability of
25 jurisdictions to count inert and the other restricted

1 wastes diversion as part of that base year number. But
2 inert disposal that was going on at that time was still
3 part of the base year number.

4 So that's, when you've heard in previous
5 discussions where staff has talked about why it would be
6 difficult to back these numbers out and to, you know,
7 with the idea of just taking it all off the table, there
8 are jurisdictions that did include inert disposal in
9 their base years, so that's one thing that's an important
10 point to make.

11 The second thing, in terms of the resolution
12 that Mr. White has handed out, just to add some clarity
13 to that. That was a resolution we passed a number of
14 years ago in 1997. I am in a unique position to add some
15 clarification because I actually wrote the language of
16 this resolution.

17 This issue came up shortly after that item
18 within six months I think after that item, within six
19 months, I think, after that item came forward, and in
20 fact, authored another item to clarify what this
21 resolution stated at that time, because a number of these
22 issues in the C and D regs were in the process of being
23 developed, and the Board decided to hold off on adding
24 that clarification.

25 But the clarification that we were trying to add

1 that I was recommending to the Board was that this number
2 seven on the resolution, which talks about construction
3 and demolition and inert debris for mine reclamation;
4 that the intent of that provision of the resolution was
5 to say that in a situation when you're not dealing with
6 the disposal of construction and demolition inert debris,
7 in other words in a site where there was actual diversion
8 taking place, that the Board wasn't going to extend their
9 jurisdiction over mine reclamation sites.

10 But in a situation like the permitted landfills
11 that we're dealing with in Southern California, that was
12 never intended to be part of this resolution.

13 As I indicated, because the C and D regs were in
14 the process of being developed, the Board at that time
15 decided to hold off on clarifying that resolution. But
16 the intent wasn't never to say that the Board wouldn't
17 have jurisdiction over inert disposal at a permitted
18 landfill. And if you think about the sentence that I
19 just said it doesn't even make sense because obviously we
20 have jurisdiction if we're permitting them in the first
21 place.

22 BOARD MEMBER JONES: Right. Okay.

23 MR. WHITE: My only point, Mr. Jones, was that
24 there seems to be a lot of confusion about this, and this
25 item that's before you was constructed with the focus of

1 ADC.

2 And I would urge you to defer definitive action
3 on this resolution or these two resolutions dealing with
4 Cal Mat and Nu-Way until the whole inert issue can be
5 dealt with on its own as a separate issue.

6 And so my recommendation would be, number one,
7 don't adopt either of these two resolutions.

8 If you feel you must proceed and adopt these
9 resolutions as a fallback, don't call it disposal.
10 Recognize that there is some discussion still going on
11 about whether this material should be counted as
12 disposal, as diversion, or simply taken off the table.
13 And maybe using the term landfilling which is actually
14 the term that's used in your permit, which doesn't
15 necessarily in my mind imply that it's being used either
16 for disposal or diversion, but it is still open to some
17 question.

18 And I think this issue does need to be addressed
19 by this Board, and potentially the legislature, but it
20 shouldn't be done as part of an ADC item. It's a
21 separate issue that merits its own separate discussion.

22 BOARD MEMBER JONES: The SB 515 that relieves
23 you of fees is still in place?

24 MR. WHITE: That's still in place until the end
25 of this year, that's correct.

1 BOARD MEMBER JONES: Okay. Because I think that
2 the disposal issue and the ADC issue are huge when you go
3 from a 50/50 split or 70/30 split of disposal versus ADC,
4 and then all the sudden it's 15,000 tons versus 475,000
5 tons. And I'm not sure the word landfilling puts it in
6 the right category.

7 MR. WHITE: This is, again, this is an item that
8 warrants a whole heck of a lot more focused attention on
9 this very issue than just simply as a ride-along on the
10 ADC issue.

11 BOARD MEMBER JONES: You'd be surprised. Okay.

12 MR. WHITE: Well thank you very much for your
13 time.

14 BOARD MEMBER JONES: Thank you, Mr. White.

15 Our court reporter needs a break but we may be
16 able to finish this in a couple of second, I hope, a
17 couple of minutes.

18 Mr. Mohajer, you're up. And I'm going to start
19 holding people to the time limit, we've gotta move.

20 (Thereupon there was a discussion off the
21 record.)

22 (Thereupon there was a brief recess.)

23 BOARD MEMBER JONES: We're going to reconvene.
24 I don't think these are on. Thank you. If you could
25 take your seats we're going to reconvene.

1 Any ex-parte, Mr. Eaton?

2 BOARD MEMBER EATON: None, thank you.

3 BOARD MEMBER JONES: Mr. Medina?

4 BOARD MEMBER MEDINA: None to report.

5 BOARD MEMBER JONES: Mr. Paparian?

6 BOARD MEMBER PAPARIAN: None.

7 BOARD MEMBER JONES: And I don't have any.

8 MR. MOHAJER: Mr. Jones, my name is Mike

9 Mohajer, I represent Los Angeles County, and on this
10 issue also the L.A. County Integrated Waste Management
11 Task Force.

12 My basic reason for speaking on this part of the
13 item is again that this issue of renovating or reusing or
14 landfilling of the depleted gravel pit has been of great
15 concern to the jurisdiction of L.A. County, and I have
16 been raising that issue for the past two years before
17 this Board. And because there are many other depleted
18 gravel pits that are operating in Los Angeles County that
19 do not require a solid waste facility permit, but they
20 all have waste discharge requirement to insure the
21 groundwater protection.

22 So whatever decision is made, I really urge you
23 please, if you would expedite coming up to some kind of
24 conclusion to this resolution of the problem, either
25 direction it is up to you, you make the decision.

1 Thank you very much.

2 BOARD MEMBER JONES: Mr. Mohajer, on those sites
3 that are not permitted, that material neither counts as
4 disposal or diversion?

5 MR. MOHAJER: That's correct.

6 BOARD MEMBER JONES: It's the three facilities
7 that are, that are permitted. And the last time that we
8 dealt with this issue was when 515 was being constructed,
9 and that material had always gone down as disposal until
10 you were notified by somebody that it should count as
11 diversion, and that's when it came up.

12 And at that Board meeting I know we made a
13 comment during 515, let's just, you know, keep it cool,
14 and that's not the case.

15 MR. MOHAJER: I'm not a support or oppose, I'm
16 just saying that whatever decision you would be making
17 would be great to the jurisdiction so that one day we are
18 not on this side of the fence and tomorrow we are on the
19 other side.

20 BOARD MEMBER JONES: Understood.

21 MR. MOHAJER: Creates a lot of headaches for us.
22 Thank you.

23 BOARD MEMBER JONES: Thanks, Mr. Mohajer.
24 Joe Delaney.

25 MR. DELANEY: Good afternoon, I'll try to be

1 brief. Joe Delaney with the City of Santa Monica, and
2 probably one of the first jurisdictions, and maybe the
3 only to speak.

4 In theory I agree that ADC should be monitored
5 and not abused, and I don't necessarily agree that all of
6 this material going to these inert fills was considered
7 to be cover. However, it does have a very significant
8 impact on jurisdictions as Mike was saying.

9 Let me bring it down to one jurisdiction's
10 level. For example, in the City of Santa Monica, going
11 to inert landfill that's permitted, Nu-Way, in the year
12 2000. Three of the quarters it was approximately 3,000
13 tons each quarter. One of those quarters it spikes to
14 17,000 tons. Okay.

15 So because that's a very significant difference
16 over the time we'll be having to put staff resources, as
17 limited as they are, into researching this. We recently
18 got reports from Nu-Way that we're now going to go
19 through and start to contact these people and say what
20 projects did you have going on in Santa Monica in 2000
21 where this waste supposedly came from?

22 Bear in mind that 3,000 almost of these 17,000
23 tons we can't go against because it's done as cash
24 receipts. So we can't even go and research a large, I
25 think, a significant portion of it.

1 On top of that, some other food for thought
2 about the waste going in there. They don't have scales,
3 so this whole tonnage number is derived at with probably
4 some degree of error in it, because it's taking,
5 converting square cubic yards into tonnage.

6 Also, the material is inert. And if it was
7 taken to other facilities, I mean this same exact
8 material taken to other facilities in Los Angeles County,
9 which Mike said there were numerous ones that aren't
10 permitted, it wouldn't have been counted at all.

11 And all of the sudden why would we see such a
12 spike for some jurisdictions in use of these two
13 facilities, probably the Cal Mat and the Nu-Way. And it
14 has nothing to do with solid waste, folks, it has to do
15 with traffic in Los Angeles County.

16 And I can tell you right now if you were
17 building on the west side of Los Angeles County in Santa
18 Monica, and you're digging a big old hole in the ground
19 to put in a subterranean parking garage, you're going to
20 be lining up ten wheel bottom dumps for blocks with
21 special permits and having some very expensive people
22 digging this hole, and you're going to want to get in and
23 get out quickly, even if it costs more to go to a closer
24 facility of which these are two of the closest for the
25 west side. They will pay more money to go to those

1 facilities so that they can keep those bottom dumps going
2 round and round as fast as possible and get this whole
3 thing out of the way and not impact traffic and all of
4 the other problems we have.

5 So, and that's what's happened. So it is very
6 different than it was maybe ten years ago, or even five
7 years ago. Because if you've read any of the reports on
8 traffic in Los Angeles County, it's much worse than it
9 used to be.

10 Jurisdictions have really little or no control
11 over which facility they used ten years ago, five years
12 ago, two years ago, or hardly even today.

13 The City of Santa Monica is starting to exercise
14 control. We passed a C and D debris ordinance, and large
15 projects are going to have to be reporting to us, and
16 there's a three percent deposit on the cost of their
17 project that they will be submitting to us.

18 So we're giving some strong economic incentive
19 the other way, to possibly carefully choose the location
20 where they chose to dispose the material.

21 But it really does come down to the bottom line
22 of it is inert material, it is a beneficial use in terms
23 of filling in a hole in the ground so they can build on
24 it, no different than the other ones in the same region,
25 but yet this impacts jurisdictions greatly.

1 I would recommend that you go with
2 recommendation number three, and have staff work with
3 those facilities to see if there is some portion of it
4 that could be counted as beneficial use to give some
5 relief. Because I understand that you're not going to
6 throw it out, and I understand the reasons why. That may
7 come down the road, but as part of a different decision.
8 Because it really does make a difference.

9 I also sat on the DRS working group. I sat on
10 the synthesis group, and some of the recommendations
11 coming to you will be to try and deal with the fact that
12 we have similar materials being counted differently
13 depending upon which fill they go to or which facility.

14 And one of the recommendations you made today,
15 the very first one about the reporting and looking into
16 ADC and revising the regs, was one that the committee had
17 come up with, so I was glad to see you did approve that
18 and it did mirror one of the recommendations from our
19 group.

20 Since you're in a hurry I'll take questions if
21 you have any?

22 BOARD MEMBER JONES: Any questions? Thank you,
23 Mr. Delaney.

24 MR. DELANEY: Thank you.

25 BOARD MEMBER JONES: Mr. Helgut, did we -- I do

1 apologize, I should have had you in on 24.

2 MR. HELGUT: Board members, Chuck Helgut
3 representing Allied Waste.

4 I've changed my testimony several times through
5 the morning. I will be extremely brief.

6 There's one issue that seems to be kind of the
7 lynch-pin to both agenda items 23 and 24, and that's the
8 disposal reporting system. And with your testimony today
9 and in testimony in the past, and letters that have been
10 presented to the Board, the disposal reporting system has
11 been used as a basis of allegations for ADC use and
12 abuse.

13 And I fully support Mr. Paparian's
14 recommendations under item 23 to move forward, get a work
15 group together, let's sit down and talk, make adjustments
16 to agenda item, or to the LEA advisory. But I would also
17 caution and ask the Board to consider the fact that we've
18 got a disposal reporting system that is defective
19 already, so if we send a working group out there to look
20 at impacts to the composting industry, or other types of
21 impact on the industry, what ADC levels various
22 facilities use; we're doing those calculations now based
23 on a defective system, and it doesn't make any sense.

24 And so I would urge the Board to consider the
25 fact that we need to get the disposal reporting system

1 cleaned up before we make anymore advances, because if we
2 have a working group that's going to be focusing on, in
3 the next couple of months, ADC use and abuse, it's going
4 to very quickly dissolve into these marketplace
5 allegations again, and I don't think that's where you
6 want it to go.

7 So I'd just ask the Board to consider that.

8 Thank you.

9 BOARD MEMBER JONES: Thanks, Mr. Helgut. Okay.
10 What is the desire of the Board?

11 BOARD MEMBER PAPARIAN: Mr. Jones.

12 BOARD MEMBER JONES: Mr. Paparian.

13 BOARD MEMBER PAPARIAN: Yeah, first of all, I'd
14 just ask, based on all this testimony, is staff still
15 supportive of both these resolutions going forward?

16 MR. SCHIAVO: Yes. In fact, this will impact a
17 number of jurisdictions for the year 2000, so we need to
18 move forward to make those adjustments.

19 BOARD MEMBER PAPARIAN: Okay. I will move
20 Resolution 2001-272 related to Cal Mat Reliance Pit
21 Number Two, and resolution 2001-273 related to the Nu-Way
22 Live Oak Landfill.

23 BOARD MEMBER JONES: We have a motion, do we
24 have a second?

25 BOARD MEMBER EATON: Second.

1 BOARD MEMBER JONES: Second. We have a motion
2 by Mr. Paparian and a second by Mr. Eaton.

3 Any discussion?

4 Would you call the vote?

5 BOARD SECRETARY VILLA: Eaton?

6 BOARD MEMBER EATON: Aye.

7 BOARD SECRETARY VILLA: Jones?

8 BOARD MEMBER JONES: Aye.

9 BOARD SECRETARY VILLA: Medina?

10 BOARD MEMBER MEDINA: Aye.

11 BOARD SECRETARY VILLA: Paparian?

12 BOARD MEMBER PAPARIAN: Aye.

13 BOARD MEMBER JONES: Okay. It passes, thank
14 you.

15 We are going to continue items 30, which are the
16 discussions about captive, and item 31, which is the
17 update on where we are on the C and D regs.

18 I think that we know we need to be scampering on
19 the C and D regs, and we will look for an update at the
20 next month's meeting, if that makes everybody
21 comfortable?

22 29 and 33 were both pulled earlier, so we are on
23 agenda item 25 which is a permit, Ms. Nauman, for the
24 Occidental Transfer Station.

25 MS. NAUMAN: Thank you, Mr. Chairman, Mark de

1 Bie will be presenting this item.

2 MR. de BIE: Thank you, Mr. Jones, Board
3 members. Mark de Bie with the Permitting and Inspection
4 Branch.

5 The first permit for your consideration is the
6 Occidental Transfer Station Permit. This permit revision
7 addresses several design improvements, operational
8 changes. One of the key changes is that it will be now a
9 maximum permitted traffic number of 111 self-haul
10 vehicles going into the site. Previously there was no
11 permitted limit for this facility.

12 At the time the initial item was written we were
13 still looking at some, some issues, specifically CEQA.
14 There is now a revised item, I believe you have it in
15 your packet, and also there's copies of it at the back of
16 the room.

17 Staff is now able to make all of the required
18 findings and, therefore, recommends concurrence on the
19 permit.

20 BOARD MEMBER JONES: Any questions? I'll move
21 adoption of Resolution 2001-229, revised consideration of
22 a revised solid waste facility permit for the Occidental
23 Transfer Station in Sonoma County.

24 BOARD MEMBER MEDINA: Second.

25 BOARD MEMBER JONES: Okay. I have a motion by

1 Jones and a second by Mr. Medina.

2 Would you call the roll?

3 BOARD SECRETARY VILLA: Eaton?

4 BOARD MEMBER EATON: Aye.

5 BOARD SECRETARY VILLA: Jones?

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY VILLA: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 BOARD SECRETARY VILLA: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 BOARD MEMBER JONES: Thank you. Item number

12 26, Mr. de Bie.

13 MR. de BIE: Item 26 is consideration of a

14 revised solid waste facility permit for the Hot Spa Solid

15 Waste Site in Imperial County.

16 The Board has heard a number of these revised

17 permits from Imperial County, this is yet another one.

18 The LEA's fully implementing their work plan to bring

19 these older permits forward for revision.

20 This particular permit will allow or will now

21 define a disposal footprint of 6.4 acres out of the total

22 forty acres. It will indicate an increase in tonnage

23 from four tons per day to ten tons per day. And change

24 in permitted hours from a 24 hour seven day a week

25 operation to an 8:00 to 4:00 Wednesday and Saturday, and

1 not including holidays.

2 It also indicates that the facility has moved
3 from a cut and fill to an area fill, and will define a
4 maximum elevation of 71 feet below mean sea level.

5 And also it indicates that the closure date is
6 changing from 2035 to 2027.

7 There has been some violations relative to terms
8 and conditions, but with the revision to this permit
9 those issues will be taken care of.

10 Staff is now able to make all of the required
11 findings and recommends concurrence on the permit.

12 BOARD MEMBER JONES: Are there any questions by
13 members? Okay. I'll move adoption of Resolution
14 2001-228, consideration of revised solid waste facility
15 permit of the Hot Spa Solid Waste Site in Imperial
16 County.

17 BOARD MEMBER MEDINA: Second.

18 BOARD MEMBER JONES: We've got a motion by Jones
19 and a second by Mr. Medina.

20 Would you call the roll?

21 BOARD SECRETARY VILLA: Eaton?

22 BOARD MEMBER EATON: Aye.

23 BOARD SECRETARY VILLA: Jones?

24 BOARD MEMBER JONES: Aye.

25 BOARD SECRETARY VILLA: Medina?

1 BOARD MEMBER MEDINA: Aye.

2 BOARD SECRETARY VILLA: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 BOARD MEMBER JONES: Thank you. Mr. de Bie,
5 item 27.

6 MR. de BIE: Item 27 is consideration of a
7 revised solid waste facility permit for Yuba Sutter
8 Disposal, Inc. Integrated Waste Recovery Facility in Yuba
9 County. Again, there's a revised agenda item that should
10 be in your packet and copies at the back of the room.

11 At the time the initial item was written we were
12 still looking at CEQA, and are now able to make the
13 required CEQA findings utilizing the original CEQA
14 document for this facility.

15 And the LEA has, after a thorough review of one
16 aspect of the project, that being the reduction in the
17 permitted boundary, has determined that it's exempt from
18 the CEQA requirements, and staff concur with that finding
19 in that any future operations that may occur outside of
20 the current boundary would be addressed through the post
21 closure land use mechanisms.

22 So staff is now able to make recommendations on
23 this proposed permit indicating that the facility will
24 now be adding a, an additional construction demolition
25 line, will be changing its operation hours, and the

1 decrease in the boundary from 18 acres to 7.1 acres.

2 BOARD MEMBER MEDINA: I did have a comment on
3 this one.

4 BOARD MEMBER JONES: Mr. Medina.

5 BOARD MEMBER MEDINA: First, I want to thank
6 staff for including the compliance history. And in just
7 looking at that compliance history, this facility has had
8 a history of violations of state minimum standards. Do
9 you know what the problems have been there over time?

10 MR. de BIE: Give me a moment I'll look up the
11 materials I have.

12 BOARD MEMBER MEDINA: There were ten violations
13 in '97, five in '98, six in '99, one in 2000.

14 MR. de BIE: I'm looking at the more
15 comprehensive printout from our database indicating in
16 '97 the violations -- ooh, interesting.

17 BOARD MEMBER EATON: Would you mind sharing
18 that?

19 (LAUGHTER.)

20 MR. de BIE: Well what's interesting is I don't
21 actually have the '97 data in front of me, I have '98.

22 And, but let me indicate in '98 it looks like
23 the violations were dealing with, mostly it looks like
24 they're in the area of drainage control and general site
25 maintenance, it looked like the main issues. Some issues

1 relative to salvaging.

2 And it looks like, at least a '98, the LEA noted
3 a violation, and then the next month it was corrected.

4 And so it wasn't the same, the same issue every month, so
5 it wasn't a pattern where there was a violation,
6 correction, then a violation of the same issue,
7 correction. It looked like there were different issues
8 going on.

9 And usually the general site maintenance
10 violation is noted when there are a number of minor
11 issues occurring at the site dealing with drainage or
12 some sort of control issues. LEAs, and I know Board
13 staff will note a maintenance issue which speaks
14 generally about sort of the general state of the
15 facility.

16 But I will note that, you know, we did see a
17 progression in the reduction of violations from '97 to
18 2000, 2001 where there was only one violation in 2000,
19 and that was for, again, maintenance and drainage control
20 were the issues noted in there.

21 BOARD MEMBER MEDINA: So drainage control has
22 been a consistent issue at this facility?

23 MR. de BIE: It seems from what I'm looking at
24 is that it has been noted as a violation or an area of
25 concern repeatedly.

1 We can dig up more details on that, but it does,
2 the record does indicate to me that they did come to
3 grips with that sometime in '99, because in 2000, 2001
4 we're not seeing the same notation. But specifically I
5 don't know how they may have modified their operation to
6 deal with that.

7 BOARD MEMBER MEDINA: All right. Thank you.

8 BOARD MEMBER JONES: Any other questions? I'll
9 move adoption of Resolution 2001-230, consideration of a
10 revised solid waste facility permit for the Yuba Sutter
11 Disposal, Incorporated Integrated Waste Recovery Facility
12 in Yuba County.

13 BOARD MEMBER EATON: Second.

14 BOARD MEMBER JONES: Got a motion by Mr. Jones,
15 second by Mr. Eaton.

16 Would you call the roll?

17 BOARD SECRETARY VILLA: Eaton?

18 BOARD MEMBER EATON: Aye.

19 BOARD SECRETARY VILLA: Jones?

20 BOARD MEMBER JONES: Aye.

21 BOARD SECRETARY VILLA: Medina?

22 BOARD MEMBER MEDINA: Aye.

23 BOARD SECRETARY VILLA: Paparian?

24 BOARD MEMBER PAPARIAN: Aye.

25 BOARD MEMBER JONES: Okay. Thank you. Mr. de

1 Bie, number 28, the El Sobrante landfill.

2 MR. de BIE: I'm going to pass the presentation
3 to my staffperson, Mr. Carpenter, to make the El Sobrante
4 presentation.

5 MR. JENKINS: Good afternoon, Mr. Jones and
6 Board members. I'm Willy Jenkins of the Board's
7 Permitting and Inspection Branch. Also here today for
8 this item is Alice Beasley of the Riverside County Local
9 Enforcement Agency, and Robert Nelson of the Waste
10 Management Department. In attendance for USA Waste
11 Services is Damon Defrates and Scott Jenkins.

12 Agenda item 28 is for consideration of a revised
13 solid waste facility permit for El Sobrante Landfill in
14 Riverside County.

15 The El Sobrante Landfill permit was last revised
16 in March, 1994. The facility is owned and operated by
17 USA Waste Services of California. This facility
18 currently accepts waste from Riverside and San Bernardino
19 Counties. In the future the facility may also serve the
20 counties of Los Angeles, Orange, and San Diego, in
21 addition to Riverside and San Bernardino.

22 The proposed revised permit would allow the
23 following changes:

24 Increase the permitted boundary from 178 to
25 1,322 acres.

1 Increase the disposal footprint from 90 to 495
2 acres.

3 Increase tonnage from 4,000 tons per day to
4 10,000 tons per day.

5 Increase the maximum height from 1,425 feet to
6 1,832 feet above mean sea level.

7 Increase the depth from one hundred feet to 170
8 feet below ground surface.

9 Increase the site capacity from 16.4 million
10 cubic yards to 194.93 million cubic yards.

11 Increase the vehicle feet from 520 to 1,305
12 vehicles per day.

13 It would also change the permitted hours from
14 6:00 a.m. to 6:00 p.m. Monday through Saturday to 24
15 hours per day Monday through Sunday, except on recognized
16 county holidays.

17 And change the estimated closure date from 2004
18 to 2030.

19 There are no issues or opposition to the
20 expansion.

21 The WDR's were adopted by their Regional Water
22 Quality Control Board on July 20th, 2001.

23 There have been no violations of state minimum
24 standards over the past 24 months at El Sobrante
25 Landfill.

1 Board staff has determined that all the
2 requirements for the proposed revised permit have been
3 fulfilled, including the completeness of the joint
4 technical document.

5 In conclusion, staff recommends the Board adopt
6 Board resolution number 2001-227 concurring with the
7 issuance of the solid waste facility permit number
8 33-AA-0217.

9 This concludes staff's presentation.

10 BOARD MEMBER JONES: Okay. I have one speaker
11 slip, but I'll first ask if any members want to ask
12 questions now or --

13 BOARD MEMBER PAPARIAN: I'll wait for the
14 speaker.

15 BOARD MEMBER EATON: I just have one question
16 perhaps maybe the county can answer it for me.

17 What waste would be coming from L.A. County,
18 since my understanding is that they've bought two very
19 large, large holes.

20 So I'd just like, I mean I don't have a problem
21 with the permit, but I was just wondering like, I find it
22 hard to believe that, you know, L.A. County would need a
23 third hole, but maybe they do.

24 MR. JENKINS: Mr. Nelson can answer that for
25 you.

1 BOARD MEMBER JONES: And actually that's what
2 our one speaker slip was, Mr. Robert Nelson.

3 MR. NELSON: Bob Nelson representing Riverside
4 County. We are not saying it will come from L.A. County,
5 we are saying that the environmental report covers
6 imports from the counties that he mentioned.

7 Certainly there's a possibility that some might
8 come from that area before the large regional landfills
9 are really ready.

10 BOARD MEMBER PAPARIAN: Mr. Jones, that was
11 really my question too. It looks like and smells like a
12 large regional facility that we're, that we have before
13 us.

14 BOARD MEMBER JONES: Well it is.

15 MR. NELSON: It is.

16 BOARD MEMBER JONES: It is, no doubt about it.

17 MR. NELSON: Might I make my comments now, Mr.
18 Chair?

19 BOARD MEMBER JONES: Absolutely.

20 MR. NELSON: We're here simply to support the
21 issuance of the permit for the El Sobrante Landfill. The
22 county permitted this site, the land use approval in
23 September of '98. It's only taken the operator three
24 years from that point till now, roughly, to get to its
25 final permits. A very long and complicated process to

1 get a permit nowadays; Water Board, Waste Board, and all
2 of the wildlife issues associated with probably most any
3 landfill.

4 The other permits were just issued this last
5 week, fortunately, and we trust and hope that you will
6 issue, authorize issuance of the final permit today.

7 I have attended over 30 public hearings on this
8 landfill. It took us at least five years of negotiations
9 to get to the point where the Board finally adopted the
10 land use approval and, of course, the EIR was a big part
11 of that. And we think that we've covered virtually every
12 base anybody could think of on that major, what we think
13 of as a regional facility.

14 We have other sites, as you well know, in
15 Riverside County, but we do rely heavily on this site, on
16 the western corridor of our major populated areas to be
17 served by the El Sobrante Landfill. And so it is a key
18 component of capacity that we count on for the long term
19 in Riverside County, and we would simply urge your
20 approval.

21 Thank you.

22 BOARD MEMBER JONES: Any questions for Mr.
23 Nelson?

24 BOARD MEMBER MEDINA: I had a question. I
25 wonder if you could tell us how many landfills there are

1 in Riverside County and San Bernardino County and their
2 aggregate capacities?

3 MR. NELSON: I can't answer for San Bernardino
4 County, I can answer for Riverside County.

5 We have a total of six other operating
6 landfills, and out of those six there are three that are
7 very, very tiny, serving desert communities, so they
8 really don't count in terms of any analysis of available
9 usage.

10 And then of the remaining three, one being at
11 Edom Hill has only three years of site life, and then it
12 will close. So we'll be down to two major landfills in
13 Riverside County here within three years, those two being
14 Badlands and Lamb Canyon.

15 Of the total capacity in Riverside County, we
16 have 21 million tons roughly of remaining permitted space
17 before you count the addition that this El Sobrante
18 permit would add to our reserve. This one permit adds
19 forty million tons for our county of the roughly one
20 hundred million ton facility.

21 Does that answer your question --

22 BOARD MEMBER MEDINA: Yeah.

23 MR. NELSON: -- with respect to our county? I
24 cannot answer San Bernardino.

25 BOARD MEMBER MEDINA: Okay. Thank you.

1 BOARD MEMBER JONES: Any other questions? Thank
2 you, Mr. Nelson.

3 That's it for the speaker slips. Any
4 questions? Any motions?

5 BOARD MEMBER MEDINA: I'd like to move
6 Resolution 2001-227, revised solid waste permit for the
7 El Sobrante Landfill, Riverside County.

8 BOARD MEMBER JONES: Is there a second?

9 BOARD MEMBER EATON: Second.

10 BOARD MEMBER JONES: We've got a motion by Mr.
11 Medina, second by Mr. Eaton.

12 Would you call the roll?

13 BOARD SECRETARY VILLA: Eaton?

14 BOARD MEMBER EATON: Aye.

15 BOARD SECRETARY VILLA: Jones?

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY VILLA: Medina?

18 BOARD MEMBER MEDINA: Aye.

19 BOARD SECRETARY VILLA: Paparian?

20 BOARD MEMBER PAPARIAN: Aye.

21 BOARD MEMBER JONES: Okay. Item 29 was pulled,
22 we're not doing 30, we're not doing 31.

23 Do you have a quick update for us?

24 MS. MORTENSEN: Very, very quick.

25 BOARD MEMBER JONES: Very quick. And then we

1 are going to do item number four from yesterday, that was
2 a direction on the audit. We will do that,
3 okay, members?

4 Go ahead, Carroll.

5 MS. MORTENSEN: Good afternoon Board members. I
6 am Carroll Mortensen from the Legislative and External
7 Affairs Office. I wanted to give a very quick update on
8 one piece of legislation, the bill that we're sponsoring,
9 AB 1187.

10 At last month's Board meeting, the Board
11 directed us to pursue adding some language dealing with
12 the, our spending authority for the household hazardous
13 waste grant program. And I wanted to let the Board know
14 that we were successful in getting that language added.

15 So what that language would do would increase
16 our spending authority if funds are available from three
17 million to \$5 million. So that's a bit of good news.

18 And also with 1187 which is our bill, as I
19 mentioned, SB 649 which is a Senate environmental quality
20 bill, cleanup bill, they usually do one every year,
21 there's been some movement between our AB 1187 and SB 649
22 regarding deadlines for when newly incorporated cities
23 need to get their planning documents into us, as well as
24 tire manifesting requirements.

25 So the new city requirements which were in 1187

1 now move to SB 649, and the tire manifesting and some
2 other tire cleanup language has gone from 649 to AB 1187.
3 So nothing is missing, everything is still there, but
4 they have moved some things back and forth between the
5 bills.

6 I also wanted to let you know that we are still
7 working on SB 373, the school diversion bill. We've been
8 working with staff from the Department of Conservation as
9 well as the Governor's Office of Education as well as our
10 internal staff to get some language in that bill that
11 would make it much more workable and much less
12 expensive. We're still continuing to work on that.

13 And two other bills. AB 1201 and AB 560 are
14 non-point source pollution prevention bills, and they've
15 been amended to give the Board expanded authority on what
16 they can, what kind of projects they can consider through
17 the used oil grant programs.

18 So that was all I had unless you had any
19 questions?

20 BOARD MEMBER JONES: Questions?

21 Thank you, Carroll, we appreciate it.

22 MR. LEARY: Board Member Jones and members of
23 the Board. I have a quick add-on to Carroll's news, some
24 hot news out of Sacramento that we just were, became
25 aware of because of T.J. and Admin's Office close working

1 relationship with the Department of Finance.

2 An important bill, the 2001/2002 budget bill was
3 signed this morning by Governor Davis. And it appears
4 that, as you all know, we requested an additional
5 augmentation that the legislature did support, and in
6 passing the budget bill that was forwarded to Governor
7 Davis, there was an augmentation of about 22 new
8 positions and \$26 million in additional expenditure
9 authority related to the implementation of Senate Bill
10 876.

11 It appears that ten of those 22 positions have
12 been cut, leaving us twelve positions to implement 876.
13 And the dollars associated with just those ten positions
14 was removed from the additional expenditure authority.

15 So it appears that we have a full expenditure
16 authority to implement the program, and a reduced level
17 of position authority, an additional twelve positions.

18 Also, the \$500,000 that was built in as a budget
19 augmentation related to the TMDL's in the L.A. River
20 Basin was also cut.

21 BOARD MEMBER JONES: It was cut? Okay.

22 Just one thing quickly. Mark Leary, Karin Fish,
23 T.J., Mr. Eaton, and others that worked on it; we were
24 only going to get three positions for that tire, and they
25 all worked really, really hard to, and Finance worked

1 with us, and the legislature worked with us, and so some
2 got cut, but I gotta tell you, it's better than three.
3 So, nice job.

4 All right. We are going to have item number
5 four which was from our agenda briefing workshop that had
6 been continued to today.

7 Mr. de Bie.

8 MR. de BIE: Thank you, Mr. Jones, Board
9 members. Thank you for getting this off of my list of
10 things to do, it's been on there for a month or two.

11 I want to first apologize to Willy Jenkins for
12 introducing him as Mr. Carpenter. I had lunch with
13 William Carpenter earlier this week, a friend from
14 college, and I guess I got confused. Sorry.

15 BOARD MEMBER EATON: I thought we just had
16 someone promoted from admin.

17 BOARD MEMBER JONES: That's what I thought.

18 MR. de BIE: It's been a long couple days. I
19 was at the EDSWANO conference at the beginning of the
20 week and got in late last night, so that's my excuse.

21 BOARD MEMBER EATON: I hear a symphony, so let's
22 go.

23 (LAUGHTER.)

24 MR. de BIE: Item number four is discussion, but
25 we're also looking for direction from the Board relative

1 to recommendation number seven from the audit report.

2 That recommendation just indicated that the
3 Board should continue to work on improvements in their
4 eighteen month inspection reports.

5 They had, the auditor had made findings that we
6 were, had not been doing our inspections on the eighteen
7 month calendar frequency, and the reason why that was is
8 because we were working off a eighteen month cycle which
9 did allow, with that strategy, as much as 36 months and
10 sometimes more between inspections.

11 That changed over two years ago, and since then
12 we've been on an eighteen month calendar schedule. And
13 as the item indicates, we're at, when it was written we
14 were at 95 percent of getting all the inspections done
15 at or before eighteen months.

16 BOARD MEMBER JONES: Mr. de Bie.

17 MR. de BIE: Yes.

18 BOARD MEMBER JONES: Would you look for
19 direction that says that your frequency of landfill
20 inspections should be not to exceed eighteen months?
21 Does that help you?

22 MR. de BIE: Well it -- not to exceed eighteen
23 months, that would be a benefit. What would be --

24 BOARD MEMBER JONES: That's option number three.

25 MR. de BIE: Right. What we were hoping was, I

1 think, to, in option number three was also an indication
2 that we could adjust the frequency to be more frequent
3 but it would be --

4 BOARD MEMBER JONES: More frequent, right.

5 MR. de BIE: -- but it would be on a case by
6 case, not to indicate, you know, eighteen months and
7 that's it.

8 BOARD MEMBER JONES: At a minimum?

9 MR. de BIE: Right.

10 BOARD MEMBER JONES: Yeah. Eighteen months at a
11 minimum, if you need to go in more often, you need to go
12 in more often.

13 MR. de BIE: Right. And direction from the
14 Board on that would assist us in doing that, you know,
15 because we would avoid, you know, questions about why
16 we're there in twelve --

17 BOARD MEMBER JONES: Absolutely.

18 MR. de BIE: -- months and not waiting until
19 eighteen.

20 BOARD MEMBER JONES: Does that make sense to the
21 members for that direction?

22 (No verbal response.)

23 BOARD MEMBER JONES: All right, direction is
24 given.

25 MR. de BIE: Great. Thank you.

1 BOARD MEMBER JONES: Are there any public
2 comments?

3 I do want to thank staff. You guys did a great
4 job getting everything done, and thanks for everybody's
5 patience trying to get all these items in before 1:30,
6 which we did. And thanks for your patience, this meeting
7 is adjourned.

8 (Thereupon the foregoing was concluded at
9 1:16 p.m.)

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, DORIS M. BAILEY, a Certified Shorthand Reporter and Registered Professional Reporter, in and for the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing proceedings in shorthand writing; and thereafter caused my shorthand writing to be transcribed by computer.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand as a Certified Shorthand Reporter and Registered Professional Reporter on the 7th day of August, 2001.

Doris M. Bailey, CSR, RPR, CRR
Certified Shorthand Reporter
License Number 8751